



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3629

Examiner: Naresh Vig

Applicant : Gerald Isaac Kestenbaum
Serial No. : 09/587,525
Filed : June 5, 2000
For : APPARATUS AND METHOD FOR PROVIDING BUILDING
MANAGEMENT INFORMATION

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Letter Accompanying Appeal Brief And One Month Petition For Extension Of Time

Submitted herewith is an Appeal Brief for the above-identified patent application.

The Commissioner is hereby authorized to charge the fee of \$250 from Deposit Account No. 16-2500 of the undersigned.

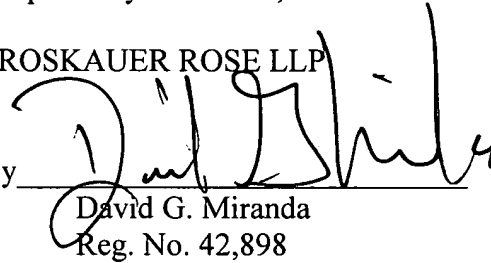
Applicants submit this paper in response to a Notice of Appeal mailed on October 6, 2006. Applicants respectfully request reconsideration and withdrawal of all objections and rejections, and passage of the case to allowance. Applicants hereby request a one-month extension of time for filing this Appeal Brief, extending the due date for response to at least January 6, 2007. The Commissioner is hereby authorized to charge the \$60 fee for the extension of time to Attorney's Deposit Account No. 16-2500.

Applicants believe no additional fees are due upon submission of this paper. If any additional fees are due, the Commissioner is hereby authorized to charge them to Attorney's Deposit Account No. 16-2500.

Respectfully submitted,

PROSKAUER ROSE LLP

By

A handwritten signature in black ink, appearing to read "David G. Miranda", is written over a horizontal line. The signature is stylized with a large initial "D" and "M".

David G. Miranda
Reg. No. 42,898

Date: January 5, 2007

PROSKAUER ROSE LLP
One International Place
Boston, MA 02110
(617) 526-9836
Customer No.: 21890



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Title: APPARATUS AND METHOD FOR PROVIDING BUILDING
MANAGEMENT INFORMATION

Art Unit: 3629
Examiner: Naresh Vig

Mail Stop Appeal Brief- Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Table of Contents

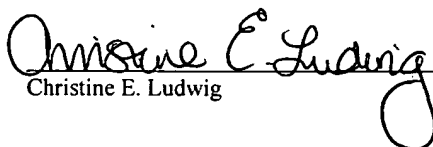
(i) REAL PARTY IN INTEREST	2
(ii) RELATED APPEALS AND INTERFERENCES	3
(iii) STATUS OF CLAIMS	4
(iv) STATUS OF AMENDMENTS	5
(v) SUMMARY OF CLAIMED SUBJECT MATTER	6
(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	14
(vii) ARGUMENT	17
SUMMARY CONCLUSION OF ALL ARGUMENTS	59
(viii) CLAIMS APPENDIX	62
(ix) EVIDENCE APPENDIX	75
(x) RELATED PROCEEDINGS APPENDIX	77

01/16/2007 AWONDAF1 00000005 162500 09587525

02 FC:2402 250.00 DA

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Briefs - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of January 2007.


Christine E. Ludwig

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 2 of 77

(i) REAL PARTY IN INTEREST

The real party in interest is Buildinglink.com, LLC, a corporation organized under the laws of Delaware.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 3 of 77

(ii) RELATED APPEALS AND INTERFERENCES

The appellant is not aware of any prior or pending appeals, judicial proceedings, or interferences related to the above-identified patent application.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 4 of 77

(iii) STATUS OF CLAIMS

Claims 1-97 stand cancelled. Claim 101 stands cancelled.

Claim 121 stands rejected under 35 U.S.C. § 112, first paragraph. Claims 112 and 136 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 98-100, 102-111, 113-118, 121-134, 139-143, and 159-160 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A. Claims 112 and 136 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Abe Japan Patent JP 08097850. Claims 119 and 120 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Strait et al. U.S. Patent 6,038,315. Claims 135, 137, 138, and 144-156 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com. Claims 157 and 158 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com and Strait et al. U.S. Patent 6,038,315.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 5 of 77

(iv) STATUS OF AMENDMENTS

None

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 6 of 77

(v) SUMMARY OF CLAIMED SUBJECT MATTER

A. Claim 98

Claim 98 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 98 describes a collaborative real estate management system for exchanging information among tenants and an individual associated with management of a building. [Appellant's figure 2; specification page 45, line 23; page 46, lines 1-7; page 46, lines 23-24]. Another feature of claim 98 describes a computer system in communication with data input and output devices. [Appellant's figure 2, 101; figure 2, 104; specification page 46, lines 3-7; page 46, lines 22-23; page 47, line 1]. Another feature of claim 98 describes receiving an instruction from a tenant where the instruction is associated with a task to be performed by an individual associated with the front desk and/or front gate. [Appellant's figure 2, specification page 45, line 17- page 47, line 21]. Another feature of claim 98 describes associating the instruction to an identifier, storing the instruction and identifier on the computer system, and enabling the individual associated with the front desk and/or front gate to search for the instruction. [Appellant's figure 2, 102; figure 2, 105; figure 2, 105; specification page 46, lines 4-7; page 46, line 20- page 47, line 6; page 47, lines 8-10].

B. Claim 99

Claim 99 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 99 describes a collaborative real estate management system that includes a database. [Appellant's figure 9, 807; specification page 70, lines 20-21; page 34, lines 14-15; page 34, lines 22-23; page 35, lines 1-11].

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 7 of 77

C. Claim 100

Claim 100 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 100 describes a collaborative real estate management system that includes a database that includes a library of documents relating to the building which are accessible for viewing, storing, and editing. [Appellant's figure 9, 807; specification page 70, lines 20-21; page 52, lines 8-13; page 49, lines 15-21].

D. Claim 103

Claim 103 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 103 describes a collaborative real estate management system that receives communication relating to delivery and pickup information. [Appellant's figure 8, 701; specification page 68, lines 19-23; page 69, lines 4-10].

E. Claim 104

Claim 104 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 104 describes a collaborative real estate management system that receives survey questions and responses to survey questions. [Appellant's figure 15; specification page 87, lines 18-22].

F. Claim 106

Claim 106 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 106 describes a collaborative real estate management system that includes a database which includes addresses and contact information. [Appellant's figure 1, 10; specification page 38, lines 12-19].

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 8 of 77

G. Claim 107

Claim 107 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 107 describes a collaborative real estate management system that includes a database for task tracking. [Appellant's figure 1, 10; specification page 42, lines 8-16].

H. Claim 109

Claim 109 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 109 describes a method for receiving an instruction from a tenant associated with a building and associating the instruction with a task to be performed by the management of the building. [Appellant's figure 2; figure 2, 101; figure 2, 105; figure 2, 106; specification page 45, line 23; page 46, lines 1-7; page 46, lines 22-24; page 47, line 1; page 47, lines 8-15]. Another feature of claim 109 describes associating the instruction to an identifier, storing the instruction and identifier on the computer system, and searching the instructions. [Appellant's figure 2, 102; figure 2, 105; specification page 46, lines 4-7; page 47, lines 8-10].

I. Claim 110

Claim 110 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 110 describes a method for real estate management including the instruction from a tenant being associated with permissions to give access to a unit associated with the tenant. [Appellant's figure 2, 104; specification page 47, lines 1-6].

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 9 of 77

J. Claim 112

Claim 112 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 112 is directed to a method for real estate management including designating an instruction as being inactive upon expiration of a specified time period. [Appellant's figure 8, 807; specification page 71, lines 8-15; page 13, lines 16-20]

K. Claim 116

Claim 116 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 116 is directed to a method for real estate management including transmitting data to a public display. [Appellant's figure 9, 806; specification page 70, lines 11-18].

L. Claim 119

Claim 119 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 119 is directed to a method for real estate management including receiving biometric data. [Appellant's figure 11, 1001; specification page 75, lines 2-9].

M. Claim 121

Claim 121 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 121 is directed to a method for real estate management including aggregating data from a first and second building. [Appellant's figure 17,

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 10 of 77

1604; specification page 15, lines 7-9; page 15, lines 11-13; page 26, lines 14-18; page 85, lines 1-7; page 91, lines 1-10; page 91, lines 12-18].

N. Claim 122

Claim 122 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 122 is directed to a method for real estate management including receiving a request for service, storing the request for service, and searching for the request for service. [Appellant's figure 4A, 301; figure 4A, 302; figure 4A, 303; figure 4A, 304; specification page 53, lines 15-22; page 54, lines 1-19].

O. Claim 124

Claim 124 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 124 is directed to a method for real estate management including aggregating data from a first and second building where the data is a request for service. [Appellant's figure 17, 1604; figure 4A, 301; figure 4A, 302; figure 4A, 303; figure 4A, 304; specification page 15, lines 7-9; page 15, lines 11-13; page 26, lines 14-18; page 53, lines 15-22; page 54, lines 1-19; page 85, lines 1-7; page 91, lines 1-10; page 91, lines 12-18].

P. Claim 125

Claim 125 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 125 is directed to a method for real estate management including where the request for service comprises a title, a category selected from a list, a request description, an urgency rating, an email address, a contact information, and/or an

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 11 of 77

instruction for an additional parties. [Appellant's figure 4A, 301; figure 4A, 302; figure 4A, 303; figure 4A, 304; specification page 53, lines 15-22; page 53, lines 21-23; page 54, lines 1-19].

Q. Claim 127

Claim 127 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 127 is directed to a method for real estate management including sorting search results by unit number, request category, date opened, priority, and/or status. [Appellant's figure 4A, 308; specification page 56, lines 12-15].

R. Claim 128

Claim 128 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 128 is directed to a method for real estate management including allowing a tenant to modify a request for service. [Appellant's figure 4A, 305; specification page 54, lines 2-5].

S. Claim 135

Claim 135 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 135 is directed to a method for real estate management including providing an electronic library including one or more electronic documents. [Appellant's figure 1, 1; figure 3, 204; specification page 47, lines 1-2; page 50, lines 1-5; page 52, lines 8-13; page 49, lines 15-21; page 61, lines 18-23; page 62, lines 3-5].

T. Claim 136

Claim 136 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 136 is directed to a method for real estate

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 12 of 77

management including associating electronic documents in the library with an expiration date.

[Appellant's figure 3, 204; specification page 49, lines 15-23; page 50, lines 1-2; page 51, lines 7-13; page 52, lines 8-13].

U. Claim 157

Claim 157 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 157 is directed to a method for real estate management including receiving biometric data. [Appellant's figure 11, 1001; specification 75, lines 2-9].

V. Claim 159

Claim 159 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 159 is directed to a computer program product for receiving an instruction from a tenant associated with a building and associating the instruction with a task to be performed by the management of the building. [Appellant's figure 2; figure 2, 101; figure 2, 105; figure 2, 106; specification page 45, line 23; page 46, lines 1-7; page 46, lines 22-24; page 47, line 1; page 47, lines 8-15]. Another feature of claim 159 describes associating the instruction to an identifier, storing the instruction and identifier on the computer system, and searching the instructions. [Appellant's figure 2, 102; figure 2, 105; specification page 46, lines 4-7; page 47, lines 8-10].

W. Claim 160

Claim 160 is described at least in the specification and figures at the cited locations which describe exemplary aspects of the claim. Claim 160 is directed to a collaborative real estate management system for exchanging information among tenants and an individual

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 13 of 77

associated with management of a building. [Appellant's figure 2; specification page 45, line 23; page 46, lines 1-7; page 46, lines 23-24]. Another feature of claim 160 describes a computer system in communication with data input and output devices. [Appellant's figure 2, 101; figure 2, 104; specification page 46, lines 3-7; page 46, lines 22-23; page 47, line 1]. Another feature of claim 160 describes receiving a communication from a tenant where the communication is associated with a task to be performed by the management. [Appellant's figure 2, 105; figure 2, 106; specification page 47, lines 8-15]. Another feature of claim 160 describes associating the instruction to an identifier, storing the instruction and identifier on the computer system, and searching the instructions. [Appellant's figure 2, 102; figure 2, 105; specification page 46, lines 4-7; page 47, lines 8-10].

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 14 of 77

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claim 121 is unpatentable under 35 U.S.C. § 112, first paragraph, as being based on a disclosure that did not describe the subject matter in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.
 - a. Group 1 includes claim 121.
- B. Whether claims 112 and 136 are unpatentable under 35 U.S.C. § 112, second paragraph, as being based on a nonenabling disclosure for omitting essential steps. The claims do not stand or fall together.
 - a. Group 1 includes claim 112.
 - b. Group 2 includes claim 136.
- C. Whether claims 98-100, 102-111, 113-118, 121-134, 139-143, and 159-160 are unpatentable under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A. The claims do not stand or fall together.
 - a. Group 1 includes claims 98, 102, 105, 108-109, 111, 113-115, 123, 126, 130-134, 139-143, and 159-160.
 - b. Group 2 includes claim 99.
 - c. Group 3 includes claim 100.
 - d. Group 4 includes claim 103.
 - e. Group 5 includes claim 104.
 - f. Group 6 includes claim 106.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 15 of 77

- g. Group 7 includes claim 107.
 - h. Group 8 includes claim 110.
 - i. Group 9 includes claims 116-118.
 - j. Group 10 includes claim 121.
 - k. Group 11 includes claim 122.
 - l. Group 12 includes claim 124.
 - m. Group 13 includes claim 125.
 - n. Group 14 includes claim 127.
 - o. Group 15 includes claims 128-129.
- D. Whether claims 112 and 136 are unpatentable under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Abe Japan Patent JP 08097850. The claims do not stand or fall together.
- a. Group 1 includes claim 112.
 - b. Group 2 includes claim 136.
- E. Whether claims 119 and 120 are unpatentable under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Strait et al. U.S. Patent 6,038,315. The claims do not stand or fall together.
- a. Group 1 includes claims 119-120.
- F. Whether claims 135, 137, 138, and 144-156 are unpatentable under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com. The claims do not stand or fall together.
- a. Group 1 includes claims 135, 137, 138, and 144-156.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 16 of 77

G. Whether claims 157 and 158 are unpatentable under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com and Strait et al. U.S. Patent 6,038,315. The claims do not stand or fall together.

a. Group 1 includes claims 157-158.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 17 of 77

(vii) ARGUMENT

I. Priority

Appellant does not concede Examiner's position of lack of support. However, Appellant considers the priority argument in the Office Action dated July 7, 2006 as moot since the references cited in the Office Action are not dependent on the priority date claimed in the referenced declaration. The prior art status of the references, Aihara et al. Japanese Patent JP410229413A, Abe Japan Patent JP 08097850, and Strait et al. U.S. Patent 6,038,315, are not in dispute in the declaration received by the office on February 2, 2005. The prior art status of the reference, Yahoo.com, cannot be determined based on the information in the Office Action dated July 7, 2006. Accordingly, since the references cited in the Office Action are not in dispute as to the priority date, then the priority argument of the Examiner is moot and is not addressed in this Appeal Brief. Appellant reserves its right to address Examiner's position if raised in the future.

II. Grounds for Rejection

1. 35 U.S.C. § 112, first paragraph

The first paragraph of 35 U.S.C. § 112 requires that the "specification shall contain a written description of the invention." To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *See Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563, 19 U.S.P.Q.2d 1111, 1116 (Fed. Cir. 1991). It is well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification. An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 18 of 77

words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 U.S.P.Q.2d 1961, 1966 (Fed. Cir. 1997).

The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claims. *Vas-Cath Inc.*, 935 F.2d at 1563-64, 19 U.S.P.Q.2d at 1117. Compliance with the written description requirement is a question of fact, which must be resolved on a case-by-case basis. *Id.* at 1563, 19 U.S.P.Q.2d at 1116. There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed, and the examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *In re Wertheim*, 541 F.2d 257, 262-63, 191 U.S.P.Q. 90, 96-97 (C.C.P.A. 1976).

2. 35 U.S.C. § 112, second paragraph

The second paragraph of 35 U.S.C. §112 requires that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." However, a claim does not necessarily fail to comply with 35 U.S.C. § 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes. *Ex parte Huber*, 148 U.S.P.Q. 447, 448-49 (Bd. Pat. App. & Int. 1965).

3. 35 U.S.C. § 103(a)

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 19 of 77

Section 103 of 35 U.S.C. states that “[a] patent may not be obtained” when the “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time” the invention was made. “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). Furthermore, “patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.” *Id.*

“Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. As indicia of obviousness or nonobviousness, these inquiries may have relevancy.” *Graham v. John Deere*, 383 U.S. 1, 17-18

When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to (1) the claimed invention must be considered as a whole; (2) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (3) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (4) reasonable expectation of success is the standard with which obviousness is determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 U.S.P.Q. 182, 187 n.5 (Fed. Cir. 1986).

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 20 of 77

“The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.” *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984), *e.g.*, *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (under § 103, teachings of references can be combined only if there is some suggestion or incentive to do so). “The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

There are “three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper). However, a statement that modifications of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300, 1301 (Bd. Pat. App. & Int. 1993).

Additionally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 21 of 77

580 (C.C.P.A. 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

An electronic publication, including an on-line database or Internet publication, is considered to be a “printed publication” within the meaning of 35 U.S.C. § 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the document relates. *See In re Wyer*, 655 F.2d 221, 227, 210 U.S.P.Q. 790, 795 (C.C.P.A. 1981). “Prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If the publication does not include a publication date (or retrieval date), **it cannot be relied upon as prior art.**” [Manual of Patent Examining Procedure, 8th edition, 5th revision, section 2128] (emphasis added).

III. Applicant’s Arguments for Each Group of Claims

A. Rejection under 35 U.S.C. § 112, first paragraph

a. Group 1 - Claim 121

Appellant’s claim 121 is fully described and enabled by Appellant’s specification and drawings. Claim 121 is set out below:

121. The method of claim 109 wherein said building is a first building, the method further comprising providing aggregated data for said first building and a second building.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 22 of 77

Claim 121 calls for a first building and a second building and the providing of aggregated data from the first building and the second building. Appellant's specification provides for the method to be "utilized in order to provide information for multiple buildings and/or properties." [Appellant's specification page 15, lines 7-9]. Appellant's specification provides for the method to be "utilized to provide aggregated and/or integrated data and/or information for multiple buildings or properties." [Appellant's specification page 15, lines 11-13; page 26, lines 14-18; page 85, lines 1-7].

Figure 17 shows and its accompanying description describes the entering (1603) of information about a building into a database. [Appellant's specification page 91, lines 7-10]. The information in the database is linked (1604) with the information from other buildings. [Appellant's specification page 91, lines 12-15]. The information is shared between the buildings and an user can access information from the linked building (1605) and the master building (1606). [Appellant's specification page 91, lines 15-18; page 92, lines 1-10]. Thus, the data from the first building and the data from the second building are aggregated as recited by claim 121.

Appellant has satisfied the written description requirement since the specification, in more than one location, clearly described the claimed invention in sufficient detail that one skilled in the art would reasonably conclude that Appellant had possession of the invention expressed in claim 121. The claim is therefore fully supported and satisfies the written description requirement of 35 U.S.C. § 112, first paragraph.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 23 of 77

B. Rejections under 35 U.S.C. § 112, second paragraph

a. Group 1 - Claim 112

Appellant's claim 112 is not incomplete for omitting essential steps as described by Appellant's specification and drawings. Claim 112 is set out below:

Claim 112. The method of claim 109 further comprising designating said instruction as being inactive upon expiration of a specified time period.

Claim 112 calls for the designation of an instruction as inactive upon the expiration of a specified time period. The designation of the instruction as inactive can occur through monitoring and/or checking the instructions. [Appellant's specification page 71, lines 8-15]. The monitoring is an active awareness of time to determine when to designate the instruction as inactive. However, the checking can occur at the time of accessing the instruction. The checking can obtain time from a clock and subtract the difference to determine the time period and whether the instruction at the time of accessing should be designated as inactive.

In a preferred embodiment, the specification describes the monitoring of records and designation of the records as being inactive upon the expiration of a specified time period. [Appellant's specification page 71, lines 8-15; page 13, lines 16-20]. The connection between the monitoring and the designation is one embodiment and one skilled in the art would readily recognize that other embodiments are available (e.g., checking the record at access and designating the record as inactive upon expiration of a specified time period).

The instruction can be designated as inactive without the monitoring of time. Thus, the monitoring of time is not an essential omitted step. Appellant has pointed out and distinctly claimed the invention since the specification described the steps as recited in claim 112 with no

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 24 of 77

step of monitoring time. [Appellant's specification page 71, lines 8-15]. Every step is not required, only the elements which are claimed as the invention. The claim is interrelating the essential elements of the invention as defined by the specification and satisfies the pointing out and distinctly claiming requirements of 35 U.S.C. § 112, second paragraph.

b. Group 2 - Claim 136

Appellant's claim 136 is not incomplete for omitting essential steps as described by Appellant's specification and drawings. Claim 136 is set out below:

Claim 136. The method of claim 135 wherein providing further comprises associating an electronic document in said electronic library with an expiration date.

Claim 136 calls for the association of an expiration date to a document not determining whether an expiration has passed. Figure 3 shows the association (204) of an expiration date to a document stored in the system. [Appellant's specification page 49, lines 15-21; page 49, lines 21-23; page 50, lines 1-2]. The association of an expiration date to a document is done to remove the ability to access the document in the library (e.g., make the expiration date a past date) or allow access to a document (e.g., make the expiration date a future date). [Appellant's specification page 51, lines 7-13]. Thus, the expiration date is associated with the document and no monitoring of time is needed because the expiration date is associated with the document and can be checked at access time. [Appellant's specification page 51, lines 7-13].

Appellant has pointed out and distinctly claimed the invention since the specification described the steps as recited in claim 136 with no step of monitoring time. [Appellant's specification page 49, lines 15-21; page 51, lines 10-13]. The claim is interrelating the essential

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 25 of 77

elements of the invention as defined by the specification and satisfies the pointing out and distinctly claiming requirements of 35 U.S.C. § 112, second paragraph.

C. Rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A

a. Group 1 - Claims 98, 102, 105, 108-109, 111, 113-115, 123, 126, 130-134, 139-143, and 159-160

The difference between Aihara and the claimed invention is more than "the type of user"

Aihara is an internal wiring system within apartment buildings where each apartment has a connected computing device. As explained in Aihara, this system was developed to solve the problem of not being able to distribute information in a timely manner to all residents using circular letters (letters that are circulated from one resident to another and can get held up when a resident is absent and can't circulate immediately) and bulletin boards (notice plates) at the entrance doors. [Aihara machine translation, problem to be solved, paragraphs 0001-0008] Aihara solves these problems through the use of electronic messages transported to each resident over the described system, which has computing devices available to every apartment in an apartment complex. This solution ensures that delivery of electronic messages are received by each resident because with such a wiring system, an email application can be used by each resident and there is a direct secure path to each apartment.

In the rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A, the Examiner states:

Regarding claims 98, 109 and 159 - 160, Aihara teaches system and method and computer program for exchanging information among tenants. Aihara does not explicitly teaches exchanging information for a collaborative real estate management system for exchanging information among tenants and an individual associated with management of a building (type of a user). However, it would have been obvious to one of ordinary skill

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 26 of 77

in the art at the time the invention Aihara teachings of plurality of user devices from which one of the device can be given to an individual associated with management of a building to exchange information with the tenants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aihara and have one of the users be an individual associated with management of a building to allow the tenants to electronically communicate with the building management team.

This rejection appears to be stating, in summary, that the only difference between Aihara and the claimed invention is that in Aihara, one of the client devices is not explicitly associated with an individual associated with management of a building. Therefore, the examiner seems to be saying, one skilled in the art can simply insert "an individual associated with management" at one of the devices and all of the claim limitations will be met.

A claimed invention must be taken as a whole and the Examiner's analysis seems to be ignoring several claim limitations. Further, although the Examiner can give the terms their broadest meaning, the Examiner cannot do so in a vacuum. The Examiner needs to interpret the claims in light of the specification. The Federal Circuit has explicitly stated in *Phillips* that "[p]roperly viewed, the 'ordinary meaning' of a claim term is its meaning to the ordinary artisan after reading the *entire patent*." *Phillips V. AWH Corp.*, 415 F.3d 1303, x (Fed. Cir. 2005) (emphasis added, can also be found in court's version, Fed. Cir., Nos. 03-1269, 03-1286, page 25, 7/12/05)

The Examiner seems to be stating that claimed invention is nothing more than sending an email from a tenant to a building manager. This interpretation, however, is inconsistent with the specification. For example, in the background section of the specification the Applicant describes such a system in the prior art:

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 27 of 77

Various individual buildings or management companies have begun to implement communications systems for their buildings which are accessible over the Internet. Typically, the communications associated with these systems have taken the form of providing an e-mail address, or an e-mail form, on the company web site for submitting items such as a request for maintenance. The e-mail submissions associated with these prior art systems provide for only a minimal convenience over the traditional ways of submitting a maintenance request via phone or fax. [Appellant's specification page 5, lines 1-10].

In contrast, the Applicant claims a collaborative system in which a communication is received. The communication includes data indicating an *instruction* and that *instruction* is associated with a *task* that is performed by an individual associated with the front desk and/or front gate. Further, the claim requires that the *instruction*, not the communication, be associated with a tenant via an identifier and the *instruction*, not the communication, be stored with the identifier on the computer system. Claim 113, included in this group, provides specific examples of an instruction such as package delivery and/or laundry delivery. These examples represent specific tasks that are to be performed by the front gate and/or front desk individual, as required in claim 98. This is not merely a "type of content" of an email. An email message is a free-form type of communication that can be presented in whatever fashion the sender would like to construct it. In contrast, an instruction is a structured form with which the collaborative system can associate other data and store appropriately.

In addition to being inconsistent with the specification, such a reading of the claim (that the instruction is nothing more than the content of an email) cannot be reconciled with claim 114, also included in this group. Claim 114 requires the storing of information about the pick-up of the package and/or laundry by the tenant. This information thus represents the *state* of the

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 28 of 77

instruction (e.g., its completion status). This is not merely email content, but *state information*.

Further this state information is associated with the *instruction* to which it belongs.

Specifically with regards to claim 114, the Examiner makes the following rejection:

Regarding claim 114, it is inherent that Aihara storage means is capable of storing data which the user want to store on the storage means for later retrieval (applicant is claiming type of data stored and key assigned to storing data in the storage means as their invention). storing information regarding pick-up, by said tenant, of said package, said laundry, or said any combination thereof; and associating said stored information with said instruction (e.g. email has associated information *which teaches who originated the email*). (emphasis added)

This rejection seems to be ignoring all but the verbs of the claim. The claim, however, does require specific information be saved and does require that the specific information (i.e., state information) be associated back to the instruction. Even if the instruction were merely an email with a specific content, as what seems to be suggested by the Examiner, this rejection does not address how additional stored data is associated back to the instruction (the email). This specific type of data, information regarding pick-up of the package and/or laundry by the tenant is not information that was included in the original instruction (email in the Examiner's analogy), so pointing out that an email is associated with its sender, does not address all of the claim limitations.

When reading these claims together and with the rest of the specification, one skilled in the art can see that the collaborative system requires more than simply specific email content that is saved. The instructions represent front desk and/or front gate tasks that are associated with particular tenants and to which state information is added so that state of the instruction can be tracked (e.g., searched and found) by the individual associated with the front gate/desk. The individual at the front desk/gate and the tenant collaborate with each other to understand what

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 29 of 77

needs to be done and the status of that instruction. This is a much larger difference than simply substituting a management individual for one of the tenets in the Aihara teachings. The Examiner cannot simply ignore certain terms and abstract the meaning of the claim to such a general level that any general purpose computer, database, or email system anticipates the claim or makes it obvious.

The Examiner is using impermissible hindsight of Applicant's specification to modify the cited reference

Claim 98 is representative of the claims in this group. Claim 98 calls for a collaborative real estate management system for exchanging information among tenants and an individual associated with the front gate/desk of a building where the information includes an instruction associated with a task for the front desk and/or front gate of the building. Nothing in the reference, Aihara et al. Japanese Patent JP410229413A, suggests the desirability of exchanging instructions about tasks associated with a front desk/gate as set forth by the limitations of claim 98. Aihara calls for the exchange of electronic mail communications within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants, but does not provide for the collaborative system as described by claim 98. [Aihara machine translation paragraph 0040].

A limitation of claim 98 is that the communication received from the tenant is associated with a task performed by an individual associated with the front gate/desk of the building. Nothing in the Aihara reference suggests or gives any incentive to the association of an instruction from a tenant with a task performed by management. Aihara provides that a manager

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 30 of 77

can communicate with the tenants with electronic mail in the same fashion as "the notice plate of the set door of each residential building." [Aihara machine translation paragraph 0040]. Aihara cites the limitations of the methods of communicating, the circular letter and the message board, and proposes email instead, because (1) it is efficient (2) it can be targeted, via a distribution list, to only residents you want to reach (3) communication goes through to residents that are present even if some residents are absent (where a circular letter stops at an absent resident) and (4) there are no space limitations, even if there are a lot of notices (where a notice board can fill up). It is clear that Aihara's "motivation" is simply to make sure that tenants get their communications reliably and with less work. There is no suggestion at all regarding collaboration or data keeping or tracking, particularly collaboration regarding a specific type of building management task. Again, adding additional limitations in this group, such as the specific tasks of claim 113 and associating additional state information, such as the limitations of claim 114 seems to eliminate any argument the Examiner can have that one skilled in the art, simply by reading Aihara, and not having read the Applicant's specification, would make the mental leap to modify Aihara to end up with system with all of the limitations in the Applicant's claimed invention.

Thus, even though the Examiner believes that the prior art, Aihara, could be modified to associate instructions (e.g., in the form of electronic mail) from tenants with tasks performed by management, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices to tenants.

Even if the Examiner were to identify a suggestion of modification, the Applicant has presented objective secondary evidence indicating that the invention was not obvious

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 31 of 77

The Examiner is presuming that on the date of the invention, it would have been obvious to modify Aihara. Secondary considerations such as commercial success and long felt but unsolved needs, however, should also be considered as to the nonobviousness of combining these references. Such objective secondary considerations seem to indicate, objectively and without presumption, that the invention was not obvious. The Applicant notes also that, as indicated above, email systems did exist at the time of the invention. It seems to follow that if the Applicant's claimed invention was obvious at the time, then any of the customers and building managers could have simply done their own modifications instead of buying the Applicant's product.

The record includes numerous examples of secondary considerations provided to the Examiner. For example, one of the submitted declarations states that a product that includes the claimed features "has achieved a very high level of commercial success since its introduction into the marketplace in July 2000. Thus far, it has been installed in over 225 buildings nationwide including over 170 residential buildings in the New York City area. Three of the largest residential luxury developers in the New York City area have already installed [the product that includes the claimed features] in all of their current properties and have committed to its installation in all new construction under progress. They have also signed multi-year contracts for [its] continued use." [Declaration of Gerald I. Kestenbaum under 37 C.F.R. § 1.132 in Response to Office Action dated May 28, 2004, page 2].

Additionally, the product that includes the claimed features has "earned a reputation in the industry for innovation and quality. It has recently been featured in the New York Times, and has frequently been cited in the Real Estate trade press. In addition, many purchasers of [the

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 32 of 77

product] highlight it in their marketing literature as a valuable service available to prospective tenants.” [Declaration of Gerald I. Kestenbaum under 37 C.F.R. § 1.132 in Response to Office Action dated May 28, 2004, page 2-3].

Furthermore, customers of the product that includes the claimed features have commented that there was a need in the industry for the product. Illya Shell, a customer of the invention, commented that the product “is a unique product that has allowed Rockrose to more efficiently manage our relationships with our tenants and building staff. During the time that I have implemented their product at our buildings, I have seen the productivity of our employees and the organization of our data increase tremendously. Our tenants are very pleased with the system and the way that Rockrose has chosen to communicate with them. I have not found another product in the marketplace that could offer the same (or similar) features and I see [the product] as an innovative solution to an age-old problem suffered by most property management companies – how to communicate with those that need information.” [Letter from Illya Shell of Rockrose Development Corp. in Response to Office Action dated May 28, 2004, Exhibit C].

Jerry Morris, a customer of the product that includes the claimed features, commented “that the innovations provided by the [product] gave us everything we needed.” [Letter from Jerry Morris of Rose Associates, Inc. in Response to Office Action dated May 28, 2004, Exhibit A]. Martin Astrof, a customer of the invention, commented that the product “**allows task collaboration and integrated communication among tenants, front desk staff,** maintenance staff and management” which other software programs do not allow. [Letter from Martin Astrof of Charles H. Greenthal Management Corp. in Response to Office Action dated May 28, 2004, Exhibit B] (emphasis added).

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 33 of 77

Summary

The prior art, Aihara, does not teach or suggest a collaborative real estate management system where a communication includes an instruction associated with a front desk/gate task that is associated with additional information nor does the prior art teach allowing management to search the instruction and its associated information. The office action of July 7, 2006 states that “Aihara does not explicitly teach[] exchanging information for a collaborative real estate management system.” [Examiner’s Office Action of July 7, 2006, page 4]. The office action further states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aihara.” [Examiner’s Office Action of July 7, 2006, page 5]. However, it seems that the Examiner reaches this conclusion by ignoring claim terms and abstracting the meaning of the terms to a level so general that it is inconsistent with the specification. The Examiner then appears to be using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference.

Furthermore, the commercial success of the product that includes the claimed features and the need in the field for the claimed features indicates that it was not obvious to form the claimed subject matter in light of Aihara. Three customers of the product that includes the claimed features commented that the product has innovations that other products on the market do not have. In addition, one customer commented that the product solves an age old problem in property management. The secondary considerations of commercial success and long felt but unsolved needs indicates that it was not obvious to modify these or any other references to the limitations of claim 98 and the other claims in this group. Accordingly, independent claims 98, 109, 159, and 160 and the dependent claims 102, 105, 108, 111, 113-115, 123, 126, 130-134, and

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 34 of 77

139-143 which depend on the independent claims are allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of included in each of these claims. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination with the common knowledge of one skilled in the art, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 98, 102, 105, 108-109, 111, 113-115, 123, 126, 130-134, 139-143, and 159-160 should be reversed.

b. Group 2 – Claim 99

Claim 99 is directed to a real estate management system that includes a database. As described above in section (vii).III.C.a., the limitations of claim 99 associated with claim 98 from which claim 99 depends are not taught or suggested by Aihara. In a preferred embodiment, the database is for storing the instructions and associated data in the system, for managing the communication between users of the system, and for storing information about the users of the system. [Appellant's specification page 34, lines 14-15; page 34, lines 22-23; and page 35, lines 1-11]. Aihara does not teach using a database, but teaches using email. Email can have "storage means." [See Examiner's Office Action of July 7, 2006, page 6]. However, the storage of an email is not for the management of the communication by the system but for access by the user and subsequent deletion by the user at the user's whim. Aihara further teaches that the communication occurs using the "low costs" of the administration of email, since the advantage to Aihara is the "large laborsaving" for management. [Aihara machine translation paragraph 0040]. Furthermore, the storage means for email is not storing information about the users of the

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 35 of 77

system. Thus, Aihara does not provide for a database that provides the functionality as described from claim 99 with the limitations from claim 98.

There are no objective reasons to modify Aihara which is an electronic mail system to a system that uses a database. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 99.

Accordingly, claim 99 is allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of claim 99. Secondary considerations also show that such a system with a database was not obvious over an email system. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination with the common knowledge of one skilled in the art, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 99 should be reversed.

c. Group 3 - Claim 100

Claim 100 is directed to a real estate management system that includes a library of documents relating to the building where the documents are accessible for viewing, *storing*, and *editing* by the tenants and management of the building. In a preferred embodiment, the library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library.

[Appellant's specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. As described above in section (vii).III.C.a., the limitations of claim 100 associated with claim 98 from which claim 100 depends are not taught or suggested by Aihara. Aihara teaches a solution for ensuring

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 36 of 77

that messages from management are received by each tenant. Furthermore, Aihara does not teach or suggest a library of documents which are accessible for viewing, storing, and editing by the tenants and management of the building. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara, which is an electronic mail system, to a system that stores and allows the editing of documents. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 100. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. Accordingly, claim 100 is allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of claim 100. Secondary considerations also show that such a system with a library was not obvious over an email system. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 100 should be reversed.

d. Group 4 – Claim 103

Claim 103 is directed to a real estate management system that receives a communication relating to package delivery and pickup information from the device associated with the individual, who is associated with the front desk/gate. Such a collaborative system enables the individual at the front gate/desk to act on behalf of the tenant and enter the status information into the computer system. As described above in section (vii).III.C.a., the limitations of claim

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 37 of 77

103 associated with claim 98 from which claim 103 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest receiving communication relating to package delivery and pickup information. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that receives communication relating to package delivery and/or pickup information, which are tasks performed by an individual at the front desk/gate.

Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 103. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 103 should be reversed.

e. Group 5 - Claim 104

Claim 104 is directed to a real estate management system that receives and responds to survey questions from the management of the building. As described above in section (vii).III.C.a., the limitations of claim 104 associated with claim 98 from which claim 104 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest receiving and responding to surveys questions from the management of the building. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 38 of 77

modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that receives and responds to survey questions. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 104. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 104 should be reversed.

f. Group 6 - Claim 106

Claim 106 is directed to a database including address and contact information for the tenants and management in the real estate management system. As described above in section (vii).III.C.a., the limitations of claim 106 associated with claim 98 from which claim 106 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest maintaining a database of contact information for the management and tenants. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that maintains contact information. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 106. Moreover, the additional prior art references, U.S. Patent 6,334,107

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 39 of 77

and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 106 should be reversed.

g. Group 7 - Claim 107

Claim 107 is directed to a real estate management system that includes a database for task tracking. As described above in section (vii).III.C.a., the limitations of claim 107 associated with claim 98 from which claim 107 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest a database for task tracking. Aihara teaches using email since it is a "low cost" form of communication that will save management money by saving labor. [Aihara machine translation paragraph 0040]. Aihara teaches using email as a form of "electronic circular notice" which is a one way communication unlike task tracking which is an interaction with the system. [Aihara machine translation paragraph 0010]. Task tracking requires including state information about the task. The Examiner seems to totally ignore this claim requirement. In his rejection of claim 107, the Examiner states:

Regarding claim 106-108, it is *inherent* that Aihara storage means is *capable* of storing *data which the user want to store* on the storage means for later retrieval. (emphasis added)

The Examiner seems to be saying that although Aihara doesn't explicitly state the capabilities of the storage means, it must be nonetheless capable of storing data which the user wants to store on such storage means. Even if, for the purpose of this argument, the Applicant agrees that such statement is true, there is no logical step of how that makes the claim limitations of claim 107

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 40 of 77

obvious. A general purpose computer has capability to store data the user wants to store for later retrieval. However, case law is clear that a general purpose computer can be programmed to a special purpose computer and that special purpose computer is patentable subject matter. If the Examiner can abstract any limitation to just a "type of data the user wants to store", then under that logic, any software patent would be obvious, since the general purpose computer is capable of executing instructions and storing and manipulating data. Again, as stated above, the Examiner must give the claims their meaning in light of reading the specification. The specification provides plenty of examples of task tracking information. See, for example, pages 43 and 44. The Examiner's rejection seems to read the phrase "for task tracking" right out of the claim.

Moreover, since Aihara does not teach or even suggest tracking tasks with its system, the Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that tracks tasks performed by a front desk/gate individual. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 107. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 107 should be reversed.

h. Group 8 – Claim 110

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 41 of 77

Claim 110 is directed to the front desk of a building receiving instructions from a tenant giving permission to give access to a unit associated with the tenant and/or key-holding information. As described above in section (vii).III.C.a., the limitations of claim 110 associated with claim 98, which is grouped with claim 109 from which claim 110 depends, are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest storing and allowing access to instructions from a tenant giving permission to give access to a unit associated with the tenant and/or key-holding information.

In rejecting claim 110, the Examiner states that the "applicant is claiming content in a message as their invention". However, even if for the sake of this argument, the applicant's invention was solely specific content, the Examiner fails to state why or how the specific content the Applicant is claiming is obvious in light of Aihara. The Examiner seems to be stating, once again, data is data and one particular message content makes any other message content obvious. That abstraction is too general, reads the limitations out of the claim, and doesn't consider the claim as a whole.

Even if, for the sake of this argument, the Applicant was claiming no more than a specific use of an email, the Aihara reference does not suggest that its system can be used to perform the type of management functions explicitly claimed in this claim 110. The problem being solved does not contemplate this kind of use. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara, which is an electronic mail system, to a system that stores and allows access to instructions regarding permission to access a unit in a building and/or key-holding information. Additionally, as described above in section (vii).III.C.a., the secondary

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 42 of 77

considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 110. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 110 should be reversed.

i. Group 9 – Claims 116-118

Claim 116 is representative of the claims in this group. Claim 116 is directed to transmitting data representing the instructions to a public display. As described above in section (vii).III.C.a., the limitations of claim 116 associated with claim 98 which is grouped with claim 109 from which claim 116 depends are not taught or suggested by Aihara. Aihara teaches away from the public display of information. Aihara states that using notice plates (e.g., a bulletin board near a door) has limited space constraints and [Aihara machine translation paragraph 0007, 0006]. Further, Aihara disparages the public display stating it is a “dripping sink” of constant, one way communication. [Aihara machine translation paragraph 0007, 0040].

Furthermore, Aihara does not teach or suggest publicly displaying the instructions associated with and sent from a tenant. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara, which teaches against publicly displaying information and states it as a problem, to a method for publicly displaying instructions. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 43 of 77

unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 116. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 116 should be reversed.

j. Group 10 – Claim 121

Claim 121 is directed to aggregating data between two buildings. As described above in section (vii).III.C.a., the limitations of claim 121 associated with claim 98 which is grouped with claim 109 from which claim 121 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest aggregating data between two buildings. Aihara teaches sending email between multiple buildings in a broadcast fashion, but not for aggregating data between buildings. [Aihara machine translation paragraph 0017]. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of aggregating data between buildings. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 121. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 44 of 77

disclosed and claimed in this application, the decision of the Examiner rejecting claim 121 should be reversed.

k. Group 11 - Claim 122

Claim 122 is directed to managing tenant requests for service. As described above in section (vii).III.C.a., the limitations of claim 122 associated with claim 98 which is grouped with claim 109 from which claim 122 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest managing tenant requests for service. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of managing tenant service requests. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 122. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 107 should be reversed.

l. Group 12 – Claim 124

Claim 124 is directed to aggregating data between two buildings where the data includes requests for service. As described above in section (vii).III.C.a., the limitations of claim 124 associated with claim 98 which is grouped with claim 109 from which claim 124 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest aggregating data

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 45 of 77

with requests for service between two buildings. Aihara teaches sending email between multiple buildings in a broadcast fashion, but not for aggregating data with requests for service between buildings. [Aihara machine translation paragraph 0017].

Moreover, this claim requires additionally that *the aggregated data include requests for services*, which the Examiner has read out of the claim. Aihara does not teach or suggest aggregating data generally, and is even less likely to suggest aggregating a specific type of data.

The Examiner is also using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of aggregating data between buildings where the data includes requests for service. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 1241. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 124 should be reversed.

m. Group 13 – Claim 125

Claim 125 is directed to managing tenant requests for service where the request for service comprises a title, a category selected from a list, a request description, an urgency rating, an email address, a contact information, and/or an instruction for an additional parties. As described above in section (vii).III.C.a., the limitations of claim 125 associated with claim 98

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 46 of 77

which is grouped with claim 109 from which claim 125 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest managing tenant requests for service where the requests for service comprise the elements required by the claims. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of managing tenant service requests. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 125. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 125 should be reversed.

n. Group 14 – Claim 127

Claim 127 is directed to enabling the user to sort a search list by unit number, request category, date opened, priority, and/or status. As described above in section (vii).III.C.a., the limitations of claim 127 associated with claim 98 which is grouped with claim 109 from which claim 127 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest sorting a search list by the characteristics described above. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of sorting a search list. Additionally, as described above in section (vii).III.C.a., the

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 47 of 77

secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 127. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 127 should be reversed.

o. Group 15 - Claims 128 and 129

Claim 128 is a representative of the claims in this group. Claim 128 is directed to enabling management to modify tenant service requests. As described above in section (vii).III.C.a., the limitations of claim 128 associated with claim 98 which is grouped with claim 109 from which claim 128 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest modifying tenant service requests. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of modifying tenant service requests. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 128. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 128 and 129 should be reversed.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 48 of 77

D. Rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Abe Japan Patent JP 08097850

a. Group 1 - Claim 112

Claim 112 calls for the designation of an instruction as inactive upon the expiration of a specified time period. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants. [Aihara machine translation paragraph 0040]. The Abe Japan Patent JP 08097850 reference calls for giving electronic mail a reply limit timer that sets a time limit within which the receiver of an email must reply. [Abe machine translation Abstract]. Both the Aihara and Abe references call for electronic mail, but neither reference suggests or gives any incentive that the *expiration flags* should be associated with *instructions sent from a tenant* associated with a *task performed by a front desk/gate individual*. It seems that each of the italicized requirements of the claim would require a modification of the Aihara reference. Thus, even though the Examiner believes that the prior art, Aihara and Abe, could be modified and combined to associate instructions (e.g., in the form of electronic mail) from tenants with tasks performed by management and associate expiration dates with those instructions, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and management and the purpose of Abe is to provide for a return electronic mail system. Thus, the limitations of claim 112 are not taught or suggested by the prior art.

The prior art, Aihara and Abe, does not teach or suggest associating instructions with tasks performed by management and associating an expiration with the instruction. The office

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 49 of 77

action of July 7, 2006 states that “it would have been obvious to one of ordinary skill in the art . . . to modify Aihara as taught by Abe to monitor messages.” [Examiner’s Office Action of July 7, 2006, page 14]. However, it is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as taught by Abe to monitor messages, because the references must suggest the desirability and thus the obviousness of making the combination. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 112. An objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Neither Aihara nor Abe provide motivation to modify themselves to the limitations of claim 112 in view of its independent claim 109. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 112 should be reversed.

b. Group 2 - Claim 136

Claim 136 calls for the association of an expiration date to a document in an electronic library. The electronic library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library. [Appellant’s specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants. [Aihara machine

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 50 of 77

translation paragraph 0040]. The Abe Japan Patent JP 08097850 reference calls for giving electronic mail expiration flags. [Abe machine translation paragraph 0007]. Both the Aihara and Abe references call for electronic mail, but neither reference suggests or gives any incentive that the expiration flags should be associated with documents in an electronic library. Additionally neither the Aihara or Abe references call for an electronic library that provides for the categorizing of documents in the library, for the searching of the documents in the library, or for the association of access permissions with the documents in the library. Thus, even though the Examiner believes that the prior art, Aihara and Abe, could be modified to associate documents in an electronic library, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and management and the purpose of Abe is to provide for a return electronic mail system. Thus, the limitations of claim 136 are not taught or suggested by the prior art.

The prior art, Aihara and Abe, does not teach or suggest associating instructions with tasks performed by management and associating an expiration with the instruction. The office action of July 7, 2006 states that "it would have been obvious to one of ordinary skill in the art . . . to modify Aihara as taught by Abe to monitor messages." [Examiner's Office Action of July 7, 2006, page 14]. However, it is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as taught by Abe to monitor messages, because the references must suggest the desirability and thus the obviousness of making the combination. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 136. An objective reason for the motivation to make the

Applicant: Gerald Isaac Kestenbaum
 Serial No.: 09/587,525
 Filed: June 5, 2000
 Page: 51 of 77

changes is necessary to establish a prima facie case of obviousness. Neither Aihara nor Abe provide motivation to modify themselves to the limitations of claim 136 in view of its limitations from claims 109 and 135. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include an electronic library with the features as described above where the electronic library includes one or more electronic documents that have expiration dates associated with them. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claim 136 should be reversed.

E. Rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Strait et al. U.S. Patent 6,038,315

a. Group 1 - Claims 119 and 120

Claim 119 is representative of the claims in this group. Claim 119 calls for the receiving of biometric data. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. The security for the exchange is provided by a “router which defends access from the nonconformance terminal connected to the Internet.” [Aihara machine translation paragraph 0014; paragraph 0020]. Furthermore Aihara teaches that “it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.” [Aihara machine translation paragraph 0020]. Aihara does not teach or suggest the verification of users and in fact teaches away from it by the use of a router to stop

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 52 of 77

access to the system and suggesting that access restrictions for subscribers is impossible. [See Aihara machine translation paragraph 0020; paragraph 0021].

The U.S. Patent 6,038,315 ("315") reference calls for the verification systems that use biometrics for user verification. ['315 col. 2, lines 15-19]. '315 is directed to user verification on authorization and verification systems using biometric readings. ['315 col. 3, lines 44-49]. '315 does not teach using biometrics verification in routers as described in Aihara. An objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Not only does either reference provide the suggestion to modify itself to the limitations of claim 119, but Aihara teaches away from utilizing user verification in stating "it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate." [Aihara machine translation paragraph 0020]. Aihara does not suggest the desirability of using user verification teaches away and '315 does not suggest the desirability of using biometrics on routers for network verification.

As described above in section (vii).III.C.a. nothing in the Aihara reference suggests the desirability of exchanging information about the management of a building, associating instructions from a tenant to a task performed by the management of the building, or searching the instructions received by the tenants as set forth by the limitations of claim 109 which is represented by claim 98 in section (vii).III.C.a above. Thus, even though the Examiner believes that the prior art, Aihara and '315, could be modified to allow for the exchange of information with the management of the building, association of instructions from tenants to tasks performed by the management of the building, and searching the instructions from the tenants, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 53 of 77

between tenants and management and the purpose of '315 is to provide biometric verification of users. Thus, the limitations of claim 119 are not all taught or suggested by the prior art.

An objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Aihara in view of '315 provides no motivation to modify Aihara to the limitations of claim 119. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 119. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 119 and 120 should be reversed.

F. Rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com

a. Group 1 - Claims 135, 137, 138, and 144-156

Claim 135 is representative of the claims in this group. Claim 135 calls for an electronic library including one or more electronic documents. The electronic library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library. [Appellant's specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. For example, the library can provide a document that includes a question for a tenant. [Appellant's specification page 61, lines 18-23]. The tenant can access the question and then give an answer that is stored in the document in the library. [Appellant's specification page 61, lines 18-23]. Management can view

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 54 of 77

the question and the answers stored in the document in the library. [Appellant's specification page 62, lines 3-5].

The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. It can not be determined what the Yahoo.com references teaches or suggests because the contents of the reference and the publication date of any content is not determinable. [See Examiner's Office Action of July 7, 2006, page 15-18].

A printout of <http://www.Yahoo.com/> is included as Appendix D. It is unclear how Yahoo.com is used as a reference for this rejection and how the Examiner used Yahoo.com as a reference, because a copy of the reference was not provided in the July 7, 2006 Office Action and Yahoo.com was not listed on the notice of references cited in the July 7, 2006 Office Action, the notice of references cited in the April 21, 2005 Office Action, the notice of references cited in the September 10, 2004 Office Action, the notice of references cited in the February 2, 2004 Office Action, the notice of references cited in the July 2, 2003 Office Action, or the notice of references cited in the September 24, 2002 Office Action. [See Examiner's Office Action of July 7, 2006, Notice of References Cited; Examiner's Office Action of April 21, 2005, Notice of References Cited; Examiner's Office Action of September 10, 2004, Notice of References Cited; Examiner's Office Action of February 2, 2004, Notice of References Cited; Examiner's Office Action of July 2, 2003, Notice of References Cited; Examiner's Office Action of September 24, 2002, Notice of References Cited]. However, the printout of Yahoo.com was printed on November 1, 2006 and it is unknown what, if anything, Yahoo.com taught or suggested at the time the invention was made. Nevertheless, Yahoo.com reference as printed on November 1,

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 55 of 77

2006 does not teach or suggest an electronic library including one or more electronic documents. Nor does the Yahoo.com reference as printed on November 1, 2006 teach or suggest modifying Aihara, an electronic mail exchange. The Yahoo.com reference as printed on November 1, 2006 is not prior art to the appellant's application.

The Examiner did not meet the burden to establish a prima facie case, because an objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Aihara in view of Yahoo.com provides no motivation to modify Aihara to the limitations of claim 135. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 135. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 135, 137, 138, and 144-156 107 should be reversed.

G. Rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com and Strait et al. U.S. Patent 6,038,315

a. Group 1 - Claims 157 and 158

Claim 157 is representative of the claims in this group. Claim 157 through claim 109 calls for receiving biometric data in a system that allows for the exchange of information with the management of the building, the association of instructions from tenants to tasks performed by the management of the building, and the searching of the instructions from the tenants.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 56 of 77

The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. The security for the exchange is provided by a “router which defends access from the nonconformance terminal connected to the Internet.” [Aihara machine translation paragraph 0014; paragraph 0020]. Furthermore Aihara teaches that “it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.” [Aihara machine translation paragraph 0020]. Aihara does not teach or suggest the verification of users. Aihara teaches using a router to stop access to the system and suggests that access restrictions for subscribers is impossible. [See Aihara machine translation paragraph 0020, Aihara machine translation paragraph 0021].

The U.S. Patent 6,038,315 reference calls for the verification systems that use biometrics for user verification. [’315 col. 2, lines 15-19]. ’315 is directed to user verification on authorization and verification systems using biometric readings. [’315 col. 3, lines 44-49]. ’315 does not teach using biometrics for user in verification using routers as described in Aihara. An objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Not only does Aihara not provide the motivation to modify itself to the limitations of claim 157, but Aihara teaches away from utilizing user verification. It is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as taught by ’315 and Yahoo.com, because the references must suggest the desirability and thus the obviousness of making the combination. Aihara does not suggest the desirability of using user verification and ’315 and Yahoo.com do not suggest the desirability of using biometrics on routers for network verification.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 57 of 77

It can not be determined what the Yahoo.com references teaches or suggests because the contents of the reference and the publication date of any content is not determinable. [See Examiner's Office Action of July 7, 2006, page 15-18]. As discussed above in section (vii).III.F.a, it is unclear how Yahoo.com is used as a reference for this rejection and how the Examiner used Yahoo.com as a reference. However, the printout of Yahoo.com was printed on November 1, 2006 and it is unknown what, if anything, Yahoo.com taught or suggested at the time the invention was made. The Yahoo.com reference as printed on November 1, 2006 does not teach or suggest "comparing said received biometric data with biometric data stored on said central computer." [Examiner's Office Action of July 7, 2006, page 18]. Nor does the Yahoo.com reference as printed on November 1, 2006 teach or suggest modifying Aihara, an electronic mail exchange, or Strait, a biometric verification system. The Yahoo.com reference as printed on November 1, 2006 is not prior art to the appellant's application.

As described above in sections (vii).III.E.a and (vii).III.F.a nothing in the references, Aihara, '315, and Yahoo.com, suggests the desirability of exchanging information about the management of a building, associating instructions from a tenant to a task performed by the management of the building, or searching the instructions received by the tenants as set forth by the limitations of claim 109 which is represented by claim 98 in section (vii).C.a above. Claims 157 and 158 depend on claim 109. Thus, even though the prior art, Aihara, '315, and Yahoo.com, could be modified to allow for the exchange of information with the management of the building, association of instructions from tenants to tasks performed by the management of the building, and searching the instructions from the tenants, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 58 of 77

management, the purpose of '315 is to provide biometric verification of users, and the purpose of Yahoo.com is unknown. Thus, the limitations of claim 157 is not all taught or suggested by the prior art.

An objective reason for the motivation to make the changes is necessary to establish a prima facie case of obviousness. Aihara in view of '315 and Yahoo.com provides no motivation to modify Aihara to the limitations of claim 157. Additionally, as described above in section (vii).III.C.a., the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 157. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 157 and 158 should be reversed.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 59 of 77

SUMMARY CONCLUSION OF ALL ARGUMENTS

The Examiner has not met the initial burden of establishing a *prima facie* case for obviousness. As described in the MPEP § 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As argued herein, there is no motivation and further, the combinations made by the Examiner do not teach or suggest *all* the claim limitations. The invention must be considered as a whole and the Examiner cannot simply chose references using the claim elements as a guide.

Moreover, the Applicant has provided evidence of secondary considerations, such that even if the Examiner were to establish a *prima facie* case, which he hasn't, the combinations were not obvious as evidenced by the success of the product including the claimed limitations.

Further, as stated many times, the Examiner has simply ignored claim limitations, abstracting some claim limitations to a general concept to enable his obviousness rejections. However, such claim interpretations are inconsistent with the specification and other claims that add additional limitations that do not fit with the generalizations. Also, it is clear that the type of data and/or the use of specific data can be patentable and must be considered. For example, just because headers are known to be used in emails, packets, etc., this does not mean that the use of *any* data in a header is obvious. Similarly, headers are used by applications to perform certain

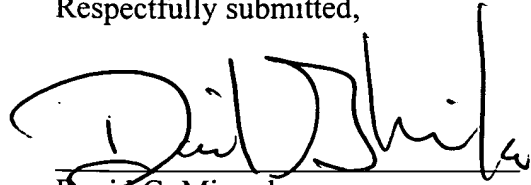
Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 60 of 77

functions. However, this does not mean that *any* function that is based on header data is obvious. While Aihara does relate to sending communications to tenants in a building, it is a solution to a different problem and does not contemplate the system claimed by the Applicant. While the Examiner keeps arguing of the inherent capability of the Aihara system to be capable of storing the type of data claimed by the Applicant and to be capable of performing the functions as claimed by the applicant, there is no question that the Aihara system would need to be reconfigured/reprogrammed to do so. Besides the Applicant's own specification, there is *very little, if any* guidance on the record on how that would be done. The Examiner seems to be relying mostly on the knowledge of one skilled in the art. However, there is nothing indicating that one skilled in the art would have the knowledge, without reading the Applicant's specification, to make the modifications, and in fact, the evidence submitted by the Applicant shows that those actually involved with building management were very willing to pay for a product that performed the functions and manipulated the specific data claimed by the Applicant, even though email systems were widely available and, as argued by the Examiner, quite easily adapted to create the Applicant's claimed invention.

In view of the foregoing authorities, remarks, and the inability of the references, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the decision of the Examiner rejecting claims 98-100 and 102-160 should be reversed.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 61 of 77

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Miranda", written over a horizontal line.

David G. Miranda

Reg. No. 42, 989

Date: _____

1/5/07

Proskauer Rose LLP
One International Place
Boston, MA 02110
Telephone: 617-526-9600
Facsimile: 617-526-9899

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 62 of 77

(viii) CLAIMS APPENDIX

Claim 98. A collaborative real estate management system for exchanging information among tenants and an individual associated with management of a building, the system comprising:

a computer system in communication with data input and output devices accessible by said tenants and said individual associated with management of said building;

said computer system including one or more processors networked together and programmed to process data relating to management of said building;

said one or more processors being further programmed i) to receive a communication relating to management of said building from a device associated with at least one of said tenants, said communication including data indicating an instruction being associated with a task performed by said individual, said individual being associated with a front desk of said building, a front gate of said building, or a combination thereof, ii) to associate said instruction with said at least one of said tenants using an identifier, iii) to store said instruction and said identifier on said computer system, and iv) to enable said individual to search said computer system to obtain said instruction using a computing device associated with said individual,

wherein said computer system enables interaction by said tenants with said individual through said system.

Claim 99. The system of claim 98 wherein said computer system includes a database.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 63 of 77

Claim 100. The system of claim 99 wherein said database includes a library of documents relating to said building which documents are accessible for viewing, storing, and editing by said tenants, a staff member, a building manager, or any combination thereof.

Claim 102. The system of claim 98 wherein said one or more processors are further programmed to receive a communication relating to information regarding a service request among said tenants, a staff member, a building manager, or any combination thereof.

Claim 103. The system of claim 98 wherein said one or more processors are further programmed to receive a communication relating to package delivery and pickup information from a device associated with said individual.

Claim 104. The system of claim 98 wherein said one or more processors are further programmed to receive a communication relating to one or more survey questions from a staff member or a building manager to one or more of said tenants, a response to said survey questions from said one or more of said tenants to said staff member or to said building manager, or any combination thereof.

Claim 105. The system of claim 98 wherein said one or more processors are further programmed to receive information posted by one of said tenants for viewing by other tenants of said building.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 64 of 77

Claim 106. The system of claim 99 wherein said database includes addresses and contact information for said tenants, a staff member, a building manager, or any combination thereof.

Claim 107. The system of claim 99 wherein said database includes information for task tracking.

Claim 108. The system of claim 99 wherein said database includes information about scheduled maintenance programs.

Claim 109. A method comprising:
receiving an instruction via a computing device associated with a tenant associated with a building, said instruction being associated with a task performed by an individual associated with a front desk of said building, a front gate of said building, or a combination thereof;
associating said instruction with said tenant using an identifier;
storing said instruction and said identifier on a central computer; and
enabling said individual to search said central computer to obtain said instruction using a computing device associated with said individual.

Claim 110. The method of claim 109 wherein said instruction is associated with permissions to give access to a unit associated with said tenant, key-holding information, or any combination thereof.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 65 of 77

Claim 111. The method of claim 109 wherein said identifier comprises a unit number associated with said tenant.

Claim 112. The method of claim 109 further comprising designating said instruction as being inactive upon expiration of a specified time period.

Claim 113. The method of claim 109 wherein said instruction is associated with package delivery, laundry delivery, or any combination thereof.

Claim 114. The method of claim 113 further comprising:
storing information regarding pick-up, by said tenant, of said package, said laundry, or said any combination thereof; and
associating said stored information with said instruction.

Claim 115. The method of claim 109 further comprising:
generating a notification associated with said instruction; and
transmitting said notification to said computing device associated with said tenant.

Claim 116. The method of claim 109 further comprising transmitting data representing said first instruction, a portion of said first instruction, said identifier, or any combination thereof to a public display.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 66 of 77

Claim 117. The method of claim 116 wherein said public display comprises a display in an entranceway associated with said building, an elevator associated with said building, another public area associated with said building, or any combination thereof.

Claim 118. The method of claim 109 further comprising displaying said first instruction, a portion of said first instruction, said identifier, or any combination thereof to a public display.

Claim 119. The method of claim 109 further comprising receiving biometric data.

Claim 120. The method of claim 119 further comprising comparing said received biometric data with biometric data stored on said central computer.

Claim 121. The method of claim 109 wherein said building is a first building, the method further comprising providing aggregated data for said first building and a second building.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 67 of 77

Claim 122. The method of claim 109 wherein said tenant is a first tenant and said individual is a first individual, the method further comprising:

receiving a request for service via a computing device associated with a second tenant associated with said building;

storing said request for service on said central computer; and

enabling a second individual to search said central computer to obtain said request for service using a computing device.

Claim 123. The method of claim 122 wherein said first individual is identical to said second individual.

Claim 124. The method of claim 122 wherein said building is a first building, the method further comprising providing aggregated data for said first and second buildings, said data comprising said request for service and another request for service associated with said second building.

Claim 125. The method of claim 122 wherein said request for service comprises a title, a category selected from a list, a request description, an urgency rating, an email address, a contact information, an instruction for an additional parties, or any combination thereof.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 68 of 77

Claim 126. The method of claim 122 further comprising enabling a user, using a computing device, to search said central computer to obtain a list of search results including said request for service.

Claim 127. The method of claim 126 further comprising enabling said user to sort said list of search results by unit number, request category, date opened, priority, status, or any combination thereof.

Claim 128. The method of claim 122 further comprising enabling a user associated with building management to modify said request for service.

Claim 129. The method of claim 128 wherein modifying said request for service comprises changing a category of said request, assigning a priority to said request, opening said request, closing said request, placing said request on hold until a certain date, recording an amount of time spent on a task related to said request, entering a dollar amount of costs which can be charged to said second tenant associated with said request, posting a comment to said request log, or any combination thereof.

Claim 130. The method of claim 122 further comprising transmitting a notification in response to said request for service.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 69 of 77

Claim 131. The method of claim 130 wherein transmitting comprises transmitting an email message, a beeper message, a pager message, a fax transmission, or any combination thereof.

Claim 132. The method of claim 109 further comprising permitting access to information stored on said central computer based on a type of user.

Claim 133. The method of claim 132 wherein said type of user comprises an occupant, tenant, front desk personnel, other building personnel, maintenance department employee, building manager, owner, outside agency employee, or any combination thereof.

Claim 134. The method of claim 132 wherein said type of user comprises a contractor, service provider, newspaper delivery company employee, police personnel, fire personnel, medical personnel, or any combination thereof.

Claim 135. The method of claim 109 further comprising providing an electronic library including one or more electronic documents.

Claim 136. The method of claim 135 wherein providing further comprises associating an electronic document in said electronic library with an expiration date.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 70 of 77

Claim 137. The method of claim 135 wherein providing further comprises associating permissions with an electronic document in said electronic library, said permissions defining which users can access, view, update, or any combination thereof, said electronic document.

Claim 138. The method of claim 135 wherein providing further comprises associating permissions with an electronic document in said electronic library, said permissions defining a particular group of users who can access, view, update, or any combination thereof, said electronic document.

Claim 139. The method of claim 138 wherein said particular group of users comprises board members.

Claim 140. The method of claim 135 further comprising transmitting a notification in response to an electronic document.

Claim 141. The method of claim 140 wherein transmitting comprises transmitting an email message, a beeper message, a pager message, a fax transmission, or any combination thereof.

Claim 142. The method of claim 140 wherein transmitting comprises transmitting said notification in response to said electronic document being added to said electronic library.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 71 of 77

Claim 143. The method of claim 140 wherein transmitting comprises transmitting said notification in response to said electronic document being updated.

Claim 144. The method of claim 135 further comprising enabling a user to search said electronic library using a keyword.

Claim 145. The method of claim 135 wherein said building is a first building further comprising allowing access to said electronic library by users associated with said first building and users associated with a second building.

Claim 146. The method of claim 109 wherein said tenant is a first tenant and said individual is a first individual, said method further comprising:

receiving a request for service via a computing device associated with a second tenant associated with said building;

storing said request for service on said central computer;

enabling a second individual to search said central computer to obtain said request for service using a computing device; and

providing an electronic library including one or more electronic documents.

Claim 147. The method of claim 146 wherein said building is a first building further comprising providing aggregated data for said first and second buildings.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 72 of 77

Claim 148. The method of claim 146 wherein said request for service comprises a title, a category selected from a list, a request description, an urgency rating, an email address, a contact information, instructions for additional parties, or any combination thereof.

Claim 149. The method of claim 146 further comprising transmitting a notification.

Claim 150. The method of claim 149 wherein transmitting comprises transmitting an email message, a beeper message, a pager message, a fax transmission, or any combination thereof.

Claim 151. The method of claim 146 wherein providing further comprises associating permissions with an electronic document in said electronic library, said permissions defining which users can access, view, update, or any combination thereof, said electronic document.

Claim 152. The method of claim 146 further comprising transmitting a notification in response to an electronic document being added to said electronic library.

Claim 153. The method of claim 146 further comprising permitting access to information stored on said central computer based on a type of user.

Claim 154. The method of claim 148 wherein said instruction is associated with package delivery, laundry delivery, or any combination thereof.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 73 of 77

Claim 155. The method of claim 148 further comprising transmitting data representing said first instruction, a portion of said first instruction, said identifier, or any combination thereof to a public display.

Claim 156. The method of claim 155 wherein said public display comprises a display in an entranceway associated with said building, an elevator associated with said building, another public area associated with said building, or any combination thereof.

Claim 157. The method of claim 148 further comprising receiving biometric data.

Claim 158. The method of claim 157 further comprising comparing said received biometric data with biometric data stored on said central computer.

Claim 159. A computer program product, tangibly embodied in an information carrier, for enabling a collaborative exchange of information among tenants and an individual associated with management of a building, the computer program product including instructions being operable to cause data processing apparatus to:

receive an instruction via a computing device associated with a tenant associated with a building, said instruction being associated with a task performed by an individual associated with a front desk of said building, a front gate of said building, or a combination thereof;

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 74 of 77

associate said instruction with said tenant using an identifier;
store said instruction and said identifier on a central computer; and
enable said individual to search said central computer to obtain said instruction using a computing device associated with said individual.

Claim 160. A collaborative real estate management system for exchanging information among tenants and an individual associated with management of a building, the system comprising:

a computer system in communication with data input and output devices accessible by said tenants and said individual, the computer system comprising:

a means for receiving an instruction from one or more of said devices associated with a first tenant associated with said building, said instruction being associated with a task performed by said individual, wherein said individual is associated with a front desk of said building, a front gate of said building, or a combination thereof;

a means for associating said instruction with said first tenant using an identifier;
a means for storing said instruction and said identifier on a central computer; and
a means for enabling said individual to search said central computer to obtain said instruction using one or more of said devices associated with said individual.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 75 of 77

(ix) EVIDENCE APPENDIX

A. Machine Translation of Aihara et al. Japanese Patent JP410229413A

Citation entered in the record by examiner in Notice of References Cited contained in April 21, 2005 Office Action. Machine translation is from the Industrial Property Digital Library.

B. Machine Translation of Abe Japan Patent JP 08097850

Citation entered in the record by examiner in Notice of References Cited contained in July 7, 2006 Office Action. Machine translation is from the Industrial Property Digital Library.

C. U.S. Patent 6,038,315

Entered in the record by examiner in Notice of References Cited contained in July 7, 2006 Office Action.

D. <http://www.yahoo.com> (printed on November 1, 2006)

Reference to Yahoo.com in July 7, 2006 Office Action, pages 15 and 18. No reference on Notice of References Cited and no copy of reference was provided.

E. Response to Office Action dated May 28, 2004

Entered in the record by examiner in September 10, 2004 Office Action, page 2, wherein the examiner references the response received on June 8, 2004 to the office action mailed on February 2, 2004.

F. U.S. Patent 5,875,430

Entered in the record by examiner in Notice of References Cited contained in September 10, 2004 Office Action.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 76 of 77

G. U.S. Patent 6,334,107

Entered in the record by examiner in Notice of References Cited contained in
September 24, 2002 Office Action.

Applicant: Gerald Isaac Kestenbaum
Serial No.: 09/587,525
Filed: June 5, 2000
Page: 77 of 77

(x) RELATED PROCEEDINGS APPENDIX

None

Appendix A

PATENT ABSTRACTS OF JAPAN

(11)Publication number : 10-229413

(43)Date of publication of application : 25.08.1998

(51)Int.Cl.

H04L 12/54

H04L 12/58

H04L 12/46

H04L 12/28

(21)Application number : 09-031821

(71)Applicant : SHIMIZU CORP

(22)Date of filing : 17.02.1997

(72)Inventor : AIHARA KAORU

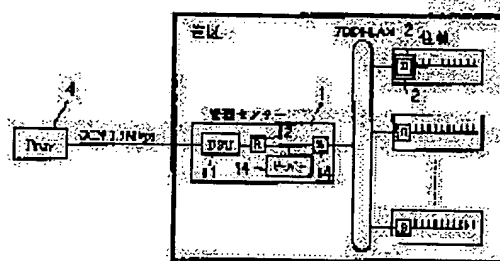
SATO KAZUHIRO

(54) HOUSING AREA INTRA-NET SYSTEM

(57)Abstract:

PROBLEM TO BE SOLVED: To allow the system to conduct communication simply, such as the exchange of electronic mails and an electronic bulletin board in a housing area, consisting of a plurality of house buildings.

SOLUTION: This system is a housing area intra-net system that conducts communication simply, such as the exchange of electronic mails and an electronic bulletin board in a housing area consisting of a plurality of house buildings, is provided with a management center 1 that integrates lines in the housing into one and connects to a private channel 4 up to an internet provider, a plurality of house building centers 2 that connect each house to a concentrator to concentrate lines into one in the unit of each house building, and a backbone LAN that integrates a plurality of the house building centers 2 into one and connects to the management center 1, and communication each house building is conducted in a network in the house building centers 2 and communication between the house buildings and within the housing area is conducted via the management center 1 and the backbone LAN.



LEGAL STATUS

[Date of request for examination] 05.07.2000

[Date of sending the examiner's decision of rejection] 30.04.2003

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number]

[Date of registration]

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

- 1.This document has been translated by computer. So the translation may not reflect the original precisely.
- 2.**** shows the word which can not be translated.
- 3.In the drawings, any words are not translated.

DESCRIPTION OF DRAWINGS

[Brief Description of the Drawings]

[Drawing 1] It is drawing showing the gestalt of operation of the neighborhood unit intranet system concerning this invention.

[Drawing 2] It is drawing showing the example of a configuration of a management pin center,large.

[Drawing 3] It is drawing showing the example of a configuration of a residential building pin center,large.

[Drawing 4] It is drawing for explaining the function of a bridge.

[Drawing 5] It is drawing for explaining the function of a router.

[Drawing 6] It is drawing showing the example of the plugging chart in a dwelling unit.

[Drawing 7] It is drawing showing the example of the wiring method using a patch panel.

[Drawing 8] It is drawing for explaining the example of the communications service using WWW.

[Drawing 9] It is drawing for explaining the example of the goods order / facility reservation service by WWW.

[Description of Notations]

1 [-- The Internet, 11 / -- A digital service unit, 12 / -- 13 A router, 21 / -- 14 A bridge, 22 / -- 15 A server, 23 / -- An uninterruptible power supply, 24 / -- HUB (line concentrator)] -- A management pin center,large, 2 -- A residential building pin center,large, 3 -- Base LAN, 4

[Translation done.]

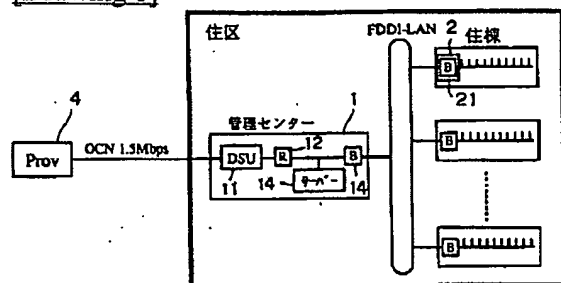
* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

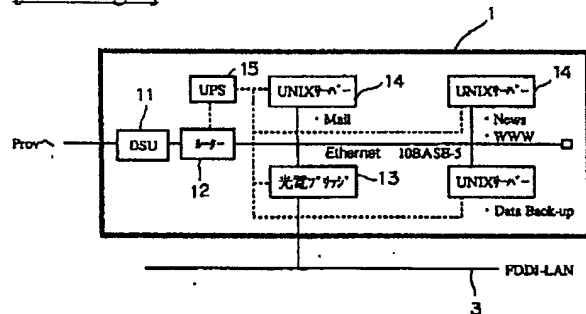
1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DRAWINGS

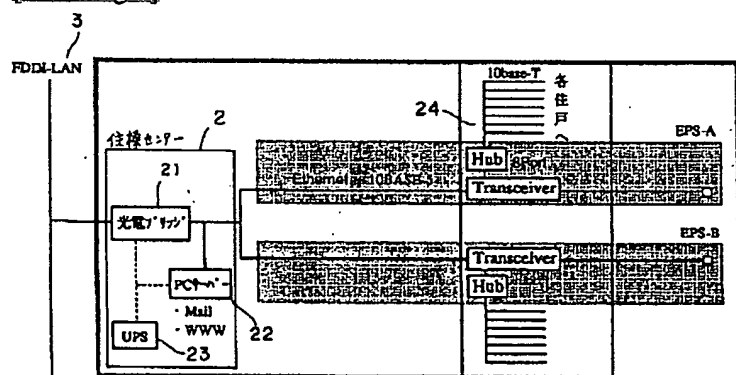
[Drawing 1]



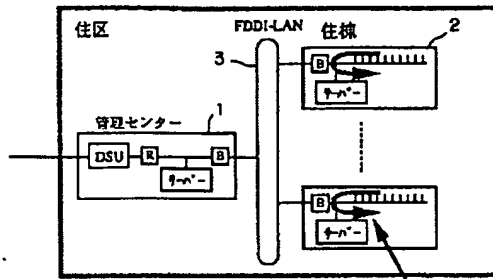
[Drawing 2]



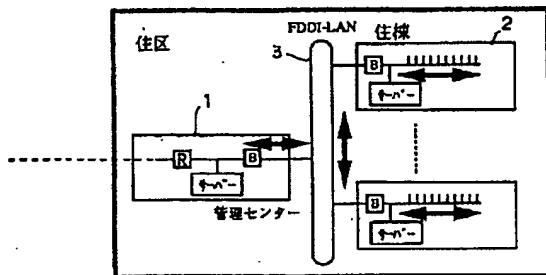
[Drawing 3]



[Drawing 4]

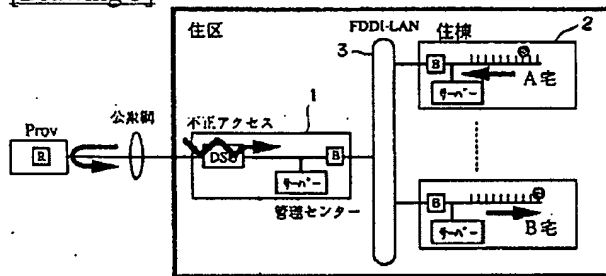


(A)

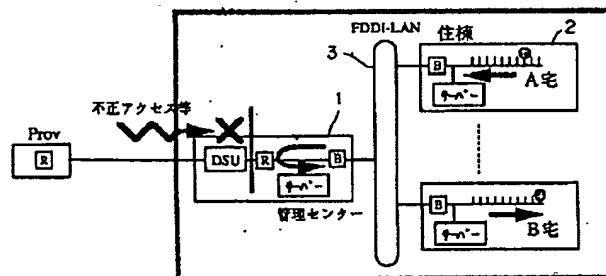


(B)

[Drawing 5]

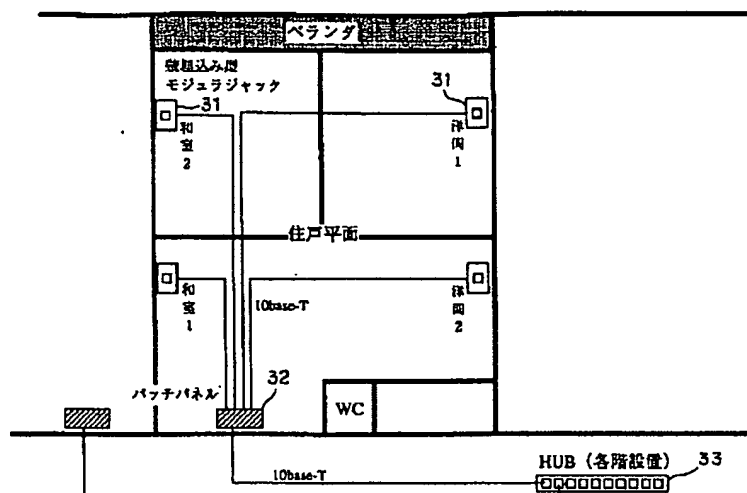


(A)

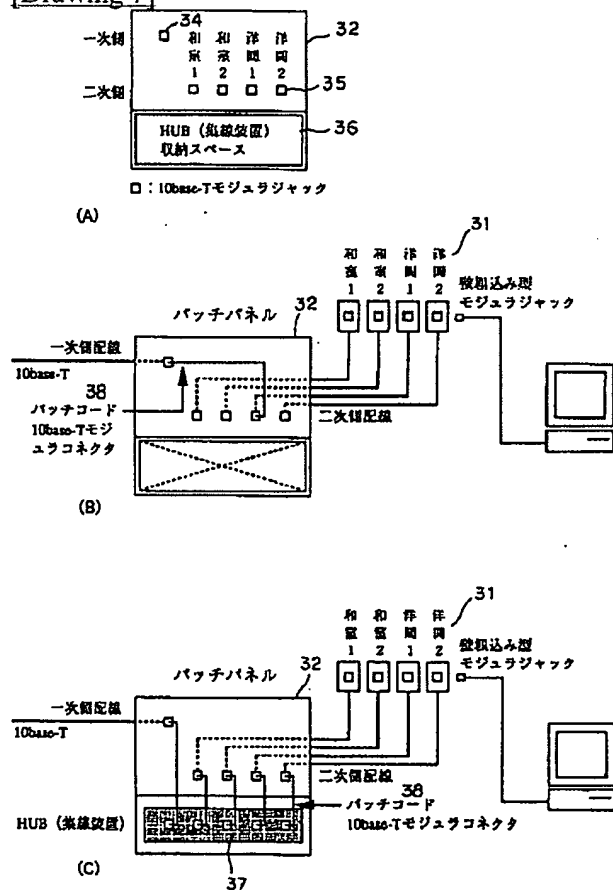


(B)

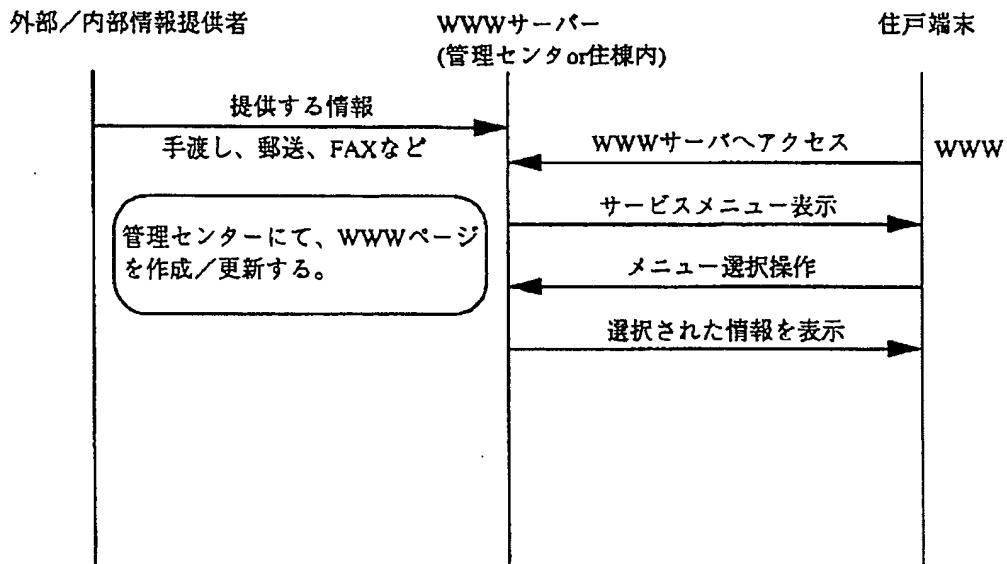
[Drawing 6]



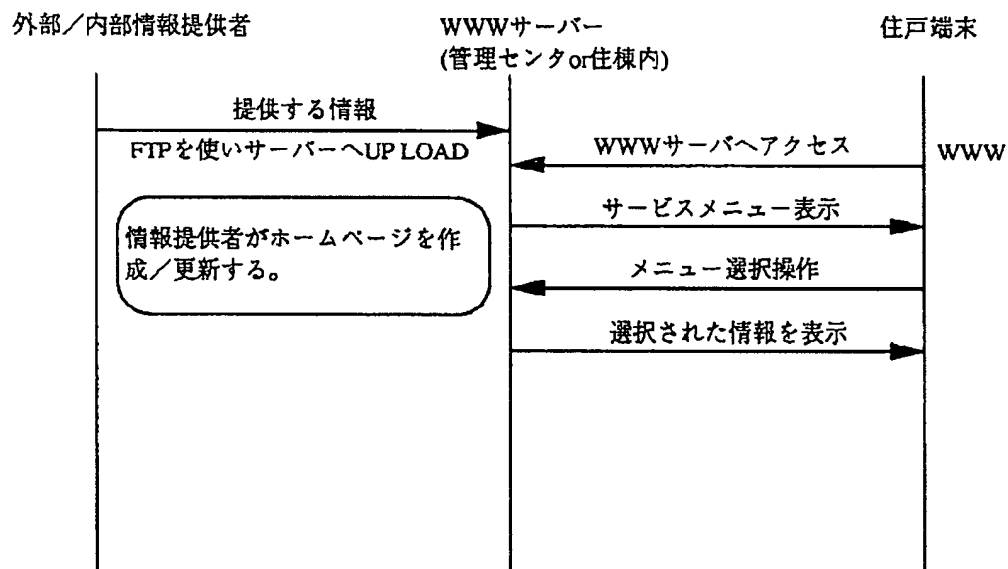
[Drawing 7]



[Drawing 8]

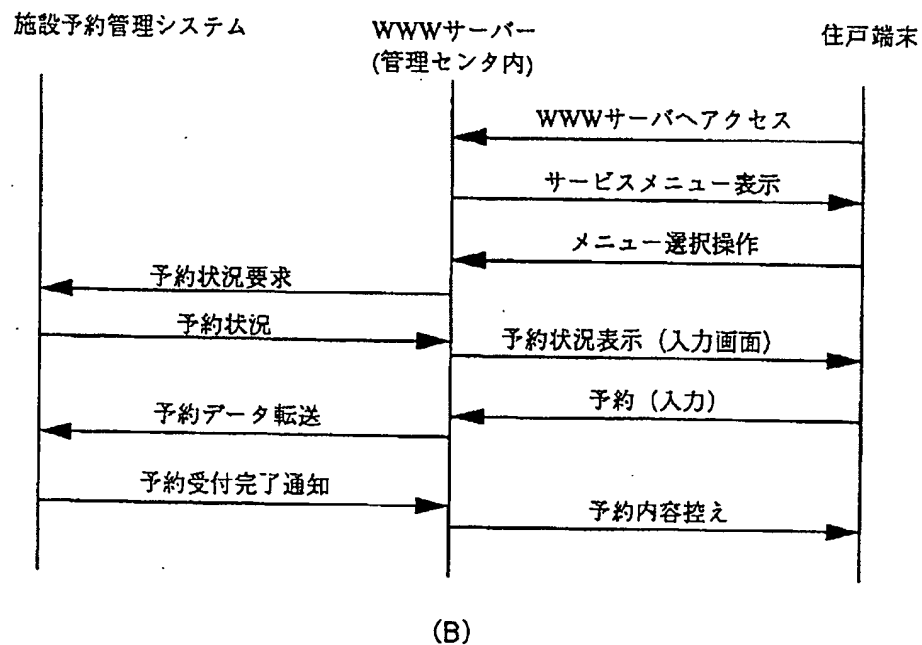
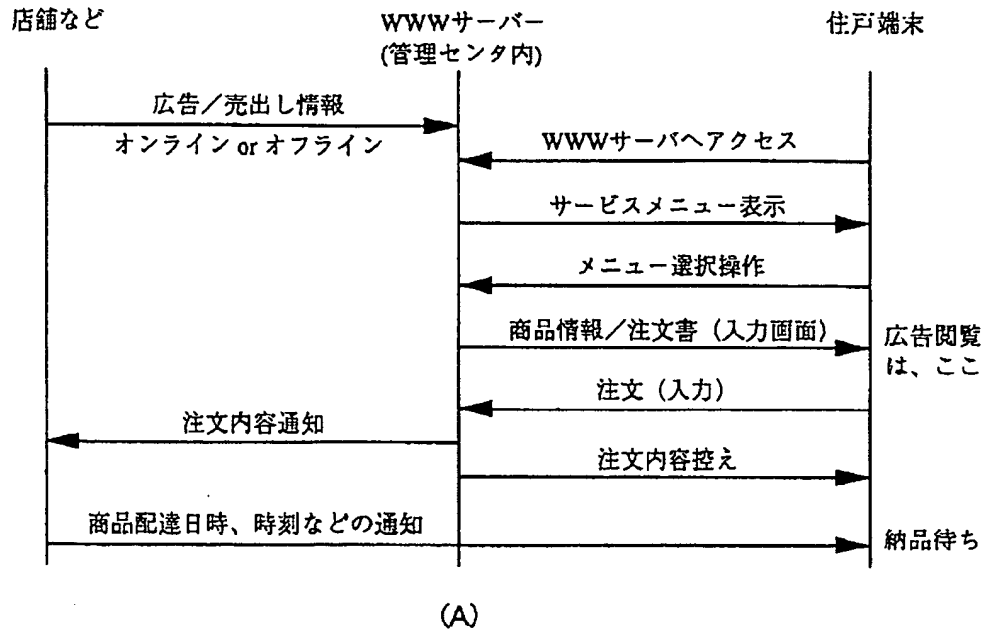


(A)



(B)

[Drawing 9]



[Translation done.]

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DETAILED DESCRIPTION

[Detailed Description of the Invention]

[0001]

[Field of the Invention] This invention relates to the neighborhood unit intranet system for performing the communication link as exchange, an electronic circular notice, etc. of an electronic mail within the neighborhood unit which consists of two or more residential buildings.

[0002]

[Description of the Prior Art] In recent years, housing demand grows by artificial concentration to the city section, and large-scale-izing and upper-layers-izing of an apartment aiming at effective use of land are progressing. Moreover, when a wide area development lot like urban redevelopment can be secured, the case where two or more residential buildings are built in one site is also increasing. When it is dotted with such a large-scale apartment in a site and it is fixed, some troubles exist about the management management approach.

[0003] One trouble is related with information offer to a resident from a manager. There is the following in the information which a manager (body corporate) offers to a resident. ** Information of the call of routine inspection of building services, such as an elevator, and electric installation, a tank, ** executive board, and a fixed general meeting and communication of a proceedings result, ** event, and public-relations relation, ** police, fire fighting, etc. are the information from a public engine etc. And the method of forming a notice plate in the inlet port of the set door, or using a circular notice as a means which tells such information to a resident, is common. However, there are information (routine inspection of a facility etc.) which should be certainly told to all residents according to the informational contents, information (call of an executive board etc.) which should just get across to some of some residents certainly, information (information about an event etc.) which should just get across to an interested resident. Therefore, it is difficult to offer information in a notice plate, after carrying out stratification of the candidate. Therefore, the present condition is that the resident has chosen information required for themselves from notice plates.

[0004] Although it is possible in the case of a circular notice to extract a candidate according to a message and to create a circular notice, since a resident becomes a huge number when aimed at two or more large-scale residential buildings, as a manager side, an effort will be spent very much. Moreover, a resident is absent in many cases by the increment in the single-person household by change of a life style, or a double-income household etc., and required information is not transmitted by the required date in many cases.

[0005] Another trouble is related with information interchange between residents. In large-scale apartment and condominium complexes, it is thought that improvement in the community in areas, such as various club activities and an event, contributes to activation of a neighborhood unit greatly. For that purpose, dispatch of the information from a resident side becomes indispensable.

[0006] In the present condition, after a resident creates data and acquires the approval of a body corporate, the approach of carrying to a notice plate is taken in many cases, but since the information in that the tooth space of that the time and effort and procedure of a documentation are complicated or a

notice plate has constraint and an alphabetic character is a subject, when there is a notice plate for every that the contents are not fully transmitted and residential building, there are troubles -- it is necessary to create and carry the data of a considerable number etc..

[0007] Although the electronic circular notice system using the unassigned channel of TV receiving-television-broadcasting facility is introduced in recent years, it has come to solve all the above-mentioned troubles that a candidate's stratification is not made in that the same information is distributed to all residents, that text is a subject, that an information flow is the dripping sink of the one direction from a manager to a resident, etc.

[0008] Furthermore, a new technical problem has arisen besides the above-mentioned trouble. It is a problem about information interchange with a resident and the exterior of a block. The request about connection with the Internet aiming at reception and transmission of various information is expanded also to the resident of an apartment. Although connection by the present telephone line is also possible, transmission speed is as slow as a maximum of 28.8 kbps(es), and an image etc. requires time amount for a data transfer with much amount of information very much. Moreover, the cure of being unable to use a general telephone, while having accessed the Internet through the telephone line, but extending the number of contracts with a communication link entrepreneur was required. In order to solve these troubles, recently, by using new communication service, such as INS64 (64kbps), recently transmission speed is raised or coincidence use of personal computer communications and a telephone is attained. However, in an established condominium, the construction in EPS which is the common section will be needed, a tenant will pay device anchoring, a wiring construction cost, etc. to the top which needs the resolution in an executive board etc., and it is thought that the implementation is quite difficult. Moreover, since the traffic to a nearby provider is needed in using a public line including INS service, it may become a large sum remarkable also about a running cost.

[0009]

[Means for Solving the Problem] This invention solves the above-mentioned technical problem, and enables it to perform the communication link as exchange, an electronic circular notice, etc. of an electronic mail simple within the neighborhood unit which consists of two or more residential buildings.

[0010] Therefore, this invention is a neighborhood unit intranet system for performing the communication link as exchange, an electronic circular notice, etc. of an electronic mail within the neighborhood unit which consists of two or more residential buildings. The management pin center, large which collects the circuit in a neighborhood unit to one, and is connected to the Internet, Two or more residential building pin center, large which connect each dwelling unit to a line concentrator, and collect a circuit to one in each residential building unit, It is characterized by having the base LAN which collects said two or more residential building pin center, large, and is connected to said management pin center, large, performing the communication link in each residential building in the network in said residential building pin center, large, and performing the communication link between the residential buildings in a neighborhood unit through said management pin center, large and Base LAN.

[0011] Moreover, said management pin center, large is equipped with the router which defends access from the nonconformance terminal connected to the Internet. It is characterized by having a server for communicating an electronic mail, an electronic circular notice, etc. which are exchanged between each dwelling unit. Or said residential building pin center, large It has a server for communicating an electronic mail, an electronic circular notice, etc. which are exchanged in a residential building. It is characterized by having assigned one port to each dwelling unit, having wired it from said line concentrator, and constituting the network in a residential building. Each dwelling unit While having a primary modular jack, a secondary modular jack, and the patch panel that has the storage space of a line concentrator Embed in the wall of each **, install the modular jack of a mold, embed in this wall, and the modular jack of a mold is connected to said secondary modular jack. It is characterized by connecting between the line concentrators contained by between each modular jack and said storage space by the patch cord. Said base LAN It constitutes from an optical fiber and said management pin center, large and a residential building pin center, large are characterized by connecting with said base

LAN through the bridge from which a communication link is relayed.

[0012]

[Embodiment of the Invention] Hereafter, the gestalt of operation of this invention is explained, referring to a drawing. drawing showing the gestalt of operation of the neighborhood unit intranet system which drawing 1 requires for this invention, drawing in which drawing 2 shows the example of a configuration of a management pin center, large, those with drawing drawing 3 indicates the example of a configuration of a residential building pin center, large to be, and 1 -- a management pin center, large and 2 -- a residential building pin center, large and 3 -- Base LAN and 4 -- the dedicated line to an Internet provider, and 11 -- a server, and 15 and 23 show an uninterruptible power supply, and, as for a router, and 13 and 21, 24 shows HUB (line concentrator) for a digital circuit access and terminating equipment and 12, as for a bridge, and 14 and 22.

[0013] In drawing 1, the circuit in the neighborhood unit which consists of two or more residential buildings is collected to one, it connects with the dedicated line 4 to an Internet provider, and the management pin center, large 1 is installed between the bases LAN 3 which collect the dedicated line 4 to an Internet provider, and the circuit in a neighborhood unit, and defends access from the nonconformance terminal connected to the dedicated line 4 to an Internet provider by the SEKARITI function of a router 12. The residential building pin center, large 2 connects each dwelling unit to HUB (line concentrator) 24, collects a circuit to one in each residential building unit, performed hierarchical concentration-ization by this and, finally has collected the circuit in a neighborhood unit to one according to the base LAN 3. And a base LAN 3 eliminates the effect of a thunder-storm disaster and a noise by concentrating the circuit from each ridge in a neighborhood unit to one, and constituting from an optical fiber. On the other hand, by connecting with a base LAN 3 through the bridges 13 and 21 from which a communication link is relayed, it is made for the management pin center, large 1 and the residential building pin center, large 2 not to take out information to a base LAN 3 by the function of a bridge 21 about the communication link of the inside of the same residential building, and they can aim at reduction of the traffic of a base LAN 3. The neighborhood unit intranet system applied to this invention by such configuration performs the communication link as exchange, an electronic circular notice, etc. of an electronic mail within the neighborhood unit which consists of two or more residential buildings.

[0014] The management pin center, large 1 forms the server 14 besides the router 12 for defending access from the nonconformance terminal connected to the digital circuit access and terminating equipment 11 for digital channels (DSU, digital service unit), and the Internet, and the bridge 13 with the base LAN 3 which used the optical fiber from which a communication link is relayed, as shown in drawing 2, and it performs exchange of the electronic mail in a neighborhood unit, distribution of an electronic circular notice, distribution of news, and data backup by the server 14. Similarly, as shown in drawing 3, a server 21 is formed and distribution of a load and the communication link in a residential building are performed also in the residential building pin center, large 2. Moreover, in the residential building pin center, large 2, to carry out precedence wiring of the cable for online communications (10 base-T) to all dwelling units, to enable it to extend HUB (line concentrator) so that it may mention later also in each dwelling unit, and what is necessary is just made to perform wiring from there to a terminal.

[0015] Drawing for drawing 4 to explain the function of a bridge and drawing 5 are drawings for explaining the function of a router.

[0016] Bridges 13 and 21 decide whether the destination relays per packet, communicate for all the paths that can relay packets other than the self destination, and in the neighborhood unit intranet system concerning this invention, photo electric conversion of them is carried out between bases LAN 3 using the management pin center, large 1, the residential building pin center, large 2, and an optical fiber, and they relay information. And even unnecessary data are relayed and it is made not to increase the amount of data on the network of the management pin center, large 1 and the residential building pin center, large 2, and a base LAN 3.

[0017] By installing a bridge and a server, as shown in drawing 4 (A), do not relay the communication

link of exchange of the mail in the same residential building etc. on a bridge 21, but it is made not to come outside a ridge, and it stops the useless amount of communications traffics on networks, such as inside of a base LAN 3 and the management pin center,large 1. Furthermore, according to the contents of transmit information, a multicast function (function which carries out the multiple address to the destination registered beforehand) is used, and the addresser (a manager, resident) of an electronic mail tells information only to those who need the information.

[0018] The network and server which install in a neighborhood unit as shown in drawing 4 (B) perform the communication link of the electronic mail for which it is exchanged between [in a neighborhood unit (inside of a site)] dwelling units and between each dwelling unit and the management pin center,large 1, an electronic circular notice, etc.

[0019] The basic function of a router 12 performs delivery by the destination of data, has the routing table which remembered it to be the destination which loop formation to be chosen, tests this routing table by comparison, and sends data to one of two or more of the junction ways. Moreover, a router 12 can specify the terminal put in on security neither by the number which shows a protocol type, nor the number (for example, socket number) of the high order. Therefore, according to the router, it is avoidable to press the channel capacity of LAN for data with delivery and useless commo data only for the target path.

[0020] When unlawful access to the terminal of each dwelling unit and invasion prevention of a hacker are taken into consideration, a router with a security function is needed. When each dwelling unit contracts according to a provider and an individual, the router in a provider will play the role, but though natural, a subscriber exists besides a neighborhood unit. However, it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.

[0021] In the neighborhood unit intranet system concerning this invention, since a management pin center,large is installed as mentioned above, the circuit between the inside of a neighborhood unit and a provider is collected to one and a router is installed in the circuit, it becomes possible to intercept unlawful access from the outside in a management pin center,large. Moreover, even when there is unjust access by taking record of the communication link of all (the mutual in a neighborhood unit, and between the inside of a neighborhood unit, and the exterior) which passes through a network top with the server for network administration in a management pin center,large, the cause is clarified or it becomes possible to take suitable measures.

[0022] For example, if the transmission information from A ** to B ** in a neighborhood unit is sent via the router installed in an external provider as shown in drawing 5 (A), the transfer time will start too many. Moreover, in order that information may flow a public network top, the problem in security sides, such as tapping, arises. Thus, when there is no router into a management pin center,large, there is a danger that inaccurate access information (hacker) and computer virus will pass through a management pin center,large, and will enter in a neighborhood unit, but since a router is installed according to this invention, as shown in drawing 5 (B), these invasion can be intercepted in the part of a management pin center,large. That is, compaction of the data transfer time amount in a neighborhood unit and improvement in the security of the information in a neighborhood unit can be aimed at by installing a router in a management pin center,large like this invention.

[0023] In a router, as mentioned above, make it the information from Mr. A not arrive other than Mr. [B and / C], or To the access control by the dispatch origin which specifies the address of dispatch [that all the information from the D makes passage impossible] origin, and restricts the destination, and Mr. E The address of the destination that make it arrive or all the information to Mr. G makes impossible passage of the information from other than Mr. [F] is specified, and it has the function of the access control by the destination which restricts the dispatch origin.

[0024] When it considers as the above Internet-compatible apartments, LAN which connects each dwelling unit in a ridge is laid, and the method (dedicated line IP connection) for which it contracts in bulk to a provider becomes advantageous in respect of cost rather than each dwelling unit contracts with a provider according to an individual. In designing the inside LAN of this ridge, the number of terminals

per each dwelling unit needs to be set up. About the number of terminals per each dwelling unit, since becoming two or more sets in the future is assumed, it is necessary to prepare the infrastructure on condition of this. However, it becomes cost quantity to prepare the facility corresponding to two or more set (/dwelling unit) installation beforehand. And since variation produces the number of terminals for every dwelling unit, it is desirable to prepare a minimum facility at the time of construction, and to consider as the facility which can respond at low cost easily at the increment in the prospective number of terminals.

[0025] drawing in which drawing 6 shows the example of the plugging chart in a dwelling unit, and drawing showing the example of the wiring method with which drawing 7 used the patch panel -- it is -- 31 -- a wall embedding mold modular jack and 32 -- a secondary modular jack and 36 show HUB storage space, and, as for HUB and 34, in a patch panel, and 33 and 37, 38 shows a patch cord, as for an upstream modular jack and 35.

[0026] In drawing 6, the wall embedding mold modular jack 31 is a modular jack for embedding in the wall of each sitting-room, being installed in each dwelling unit, and connecting a terminal (personal computer). A patch panel 32 installs HUB(line concentrator) 33 for connecting in [LAN] a ridge in each story, and wires each dwelling unit from this HUB33 to 1 port assignment and a patch panel 32 while it is installed in each dwelling unit and carries out precedence wiring from the wall embedding mold modular jack 31 to a patch panel 32.

[0027] A patch panel 32 has the upstream modular jack 34 which connects the appearance to a upside front face HUB33 of each story as shown in drawing 7 (A), and the secondary modular jack 35 linked to the wall embedding mold modular jack 31 in a sitting-room, and has the HUB storage space 36 which contains HUB37 in the lower part. And in connecting one terminal, according to the location which connects a terminal as shown in drawing 7 (B), secondary [of a patch cord 38] is chosen and it connects. In this case, whenever it moves a terminal, it is necessary to change connection of a patch cord 38 but, and since it is a modular connector, the both ends of a patch cord 38 are easy to take out and insert, and a resident can change them easily. In making two or more set (2-4 sets) connection of the terminal, as shown in drawing 7 (C), HUB37 which has a modular jack is installed in a front face at the HUB storage space 36 of the patch panel 32 lower part, and it connects a patch cord 38. By such connection, the wall embedding mold modular jack 31 in all sitting-rooms can be used, without changing connection of a patch cord 38.

[0028] While installing a patch panel 32 in each dwelling unit as mentioned above, by installing the wall embedding mold modular jack 31 in each sitting-room, and carrying out precedence wiring of between these, the installation of a terminal can be changed freely, wiring to a terminal can be shortened, and exposure of wiring can be lessened. And also when using two or more terminals by one dwelling unit, only by installing HUB37, there is no need for wiring in the HUB storage space 36 of a patch panel 32, and it can respond to it.

[0029] Next, the example of the communication procedure between the networks in each application is explained. Drawing for drawing 8 to explain the example of the communications service which used WWW, and drawing 9 are drawings for explaining the example of the goods order / facility reservation service by WWW.

[0030] First, in the case of off-line, as shown in drawing 8 (A), it hands from the exterior / internal information provider, and based on the information offered by mailing, FAX, etc., it sets in the management pin center, large, and is WWW in a management center or a residential building (World Wide Web). A WWW page is created / updated at a server. On the other hand, if it accesses from a dwelling unit terminal to a WWW server using WWW BURAIZA, a service menu will be displayed on a dwelling unit terminal from a WWW server. And if selection actuation of the menu is carried out from a dwelling unit terminal, the information chosen from the WWW server as the dwelling unit terminal will be displayed.

[0031] Moreover, the information offered from the exterior / internal information provider as shown in drawing 8 (B) in the case of online is uploaded to the WWW server in a management center or a residential building using FTP (File Transfer Protocol), and an information provider creates / updates a

homepage. On the other hand, if it accesses from a dwelling unit terminal to a WWW server using WWW BURAIZA, a service menu will be displayed on a dwelling unit terminal from a WWW server. And if selection actuation of the menu is carried out from a dwelling unit terminal, the information chosen from the WWW server as the dwelling unit terminal will be displayed.

[0032] The WWW server in a management pin center, large and the object for residents use the WWW server in a residential building for external information providers as mentioned above.

[0033] As shown in drawing 9 (A), from a store etc., in the case of advertisement/bargain sale data utility (on-line shopping), an advertisement / bargain sale information is offered online or off-line, and it creates / updates a WWW page at the WWW server in a management center. And if it accesses from a dwelling unit terminal to a WWW server, according to the menu selection actuation from a dwelling unit terminal, goods information / order sheet will be displayed by the input screen by displaying a service menu on a dwelling unit terminal from a WWW server. Only in advertising perusal, it ends here, but if there is an order (input) from a dwelling unit terminal further, a WWW server will publish bracing of order contents to a dwelling unit terminal while notifying order contents to a store etc. On the other hand, goods delivery time, time of day, etc. are notified to a dwelling unit terminal from a store etc.

[0034] If in common-facilities reservation it accesses from a dwelling unit terminal to a WWW server as shown in drawing 9 (B), according to menu selection actuation of the reservation from a dwelling unit terminal, a WWW server will publish a demand of reservation status to a facility reservation managerial system by displaying a service menu on a dwelling unit terminal from a WWW server. On the other hand, reservation status is displayed on a dwelling unit terminal by the input screen from a WWW server by notifying reservation status from a facility reservation managerial system. And if there is an input of reservation from a dwelling unit terminal, reservation data will be transmitted to a facility reservation managerial system from a WWW server, and if a WWW server has the notice of the completion of reservation reception from a facility reservation managerial system, the contents bracing of reservation will be published from a WWW server to a dwelling unit terminal.

[0035] In addition, this invention is not limited to the gestalt of the above-mentioned implementation, and various deformation is possible for it. For example, although the example used by exchange, an electronic circular notice, etc. of an electronic mail explained with the gestalt of the above-mentioned implementation, it is useful to unification of the safety information at the time of disaster generating, backup of the means of communications at the time of disaster, etc.

[0036] For example, at the time of the occurrence of an earthquake etc. of disaster, also when safety information about a resident cannot be held about the inside of natural about a wide area where it is expected that the information telecom infrastructure of a telephone network receives a destructive damage and which is called a city, and a neighborhood unit, either, it is assumed. Then, the structure which manages safety information unitary can be built, without being influenced of an external disaster situation by laying the original network which applied this invention and installing a management pin center, large in a neighborhood unit. By specifically connecting an administrative personal computer with the key managerial system (it installing in a management pin center, large) which supervises **/absence of each dwelling unit on-line Since the unitary management of the safety information can be carried out by sending safety check mail only to the dwelling unit under staying in the room automatically, and returning a safety situation to a management pin center, large from each dwelling unit, while being able to provide the character itself with information efficiently A family's safety can check the resident under going out immediately by contacting in the management pin center, large.

[0037] Moreover, by the conventional individual subscription method, although a telephone and online communications will be made to serve a double purpose by the telephone line, in order that a telephone and online communications may use another circuit, whichever a network stops functioning by cutoff or informational concentration at the time of disaster, by this invention, the network of another side will play the role of backup. Especially by installation of a management pin center, large, the disaster situation of the infrastructure of the above external communication links etc. can be collected, and suitable advice can be performed to the residents in a neighborhood unit.

[0038] Furthermore, by E-mail, simplification of the address is attained. When each dwelling unit

contracts according to a provider and an individual like usually, the address of each people's electronic mail will be assigned from a provider side. Therefore, the regulation by the side of a provider will be applied, and the address will become very unclear as it was called the combination (PK4M-IKCW@***-net.or.jp each people's address @ provider name) of the alphabet and a figure. However, in this invention, as far as how to ** the address by installing a management pin center,large is related in a neighborhood unit, it will be entrusted with the task of a management pin center,large. Therefore, it manages by the dwelling unit number like an A No. 1101 @ management pin center,large name (A-1101@***.or.jp), or it becomes possible to manage by the personal name like the Shimizu @ management pin center,large name (shimizu@***.or.jp).

[0039]

[Effect of the Invention] Since according to this invention a management pin center,large is prepared and the local version intranet in a neighborhood unit (between two or more residential buildings) is built while wiring each dwelling unit in LAN for Internet connectivities so that clearly from the above explanation, in the management pin center,large, the electronic circular notice using a multicast function or a simultaneous multiple address function and the electronic bulletin board using a NetNews function enable it to perform a candidate's stratification easily according to the contents of transmit information. And the problem that, as for such information, information is overdue in an absentee's dwelling unit like the conventional circular notice a resident's ** / since it is not involved absent but a message is certainly received to the terminal of each dwelling unit is also solved.

[0040] Moreover, for a manager, since it can carry out in the management pin center,large, without visiting the notice plate of the set door of each residential building to this kind of management business, large laborsaving is realizable. On the other hand, dispatch of various information by opening various kinds of information, such as invitation of club activities and a barter, and an individual homepage is attained also from a resident side. Furthermore, regardless of a time or a count, the communication link costs which communication between each dwelling unit takes can perform communication mutual by the low cost of only administrative expenses by using an electronic mail. Moreover, not only text but if needed, speech information is added, or the gestalt of the above-mentioned information is possible also for performing a visualization using image information, and can raise the informational expression approach sharply.

[Translation done.]

[Date of registration]

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

CLAIMS

[Claim(s)]

[Claim 1] The management pin center, large which is a neighborhood unit intranet system for performing the communication link as exchange, an electronic circular notice, etc. of an electronic mail within the neighborhood unit which consists of two or more residential buildings, collects the circuit in a neighborhood unit to one, and is connected to the Internet, Two or more residential building pin center, large which connect each dwelling unit to a line concentrator, and collect a circuit to one in each residential building unit, It has the base LAN which collects said two or more residential building pin center, large, and is connected to said management pin center, large. It is the neighborhood unit intranet system characterized by performing the communication link in each residential building in the network in said residential building pin center, large, and performing the communication link between the residential buildings in a neighborhood unit through said management pin center, large and Base LAN.

[Claim 2] Said management pin center, large is a neighborhood unit intranet system according to claim 1 characterized by having the router which defends access from the nonconformance terminal connected to the Internet.

[Claim 3] Said management pin center, large is a neighborhood unit intranet system according to claim 1 characterized by having a server for communicating an electronic mail, an electronic circular notice, etc. which are exchanged between each dwelling unit.

[Claim 4] Said residential building pin center, large is a neighborhood unit intranet system according to claim 1 characterized by having a server for communicating an electronic mail, an electronic circular notice, etc. which are exchanged in a residential building.

[Claim 5] Said residential building pin center, large is a neighborhood unit intranet system according to claim 1 characterized by having assigned one port to each dwelling unit, having wired it from said line concentrator, and constituting the network in a residential building.

[Claim 6] Each dwelling unit is a neighborhood unit intranet system according to claim 1 characterized by embedding in the wall of each **, installing the modular jack of a mold, embedding in this wall, connecting the modular jack of a mold to said secondary modular jack, and connecting between the line concentrators contained by between each modular jack and said storage space by the patch cord while having a primary modular jack, a secondary modular jack, and the patch panel that has the storage space of a line concentrator.

[Claim 7] Said base LAN is a neighborhood unit intranet system according to claim 1 which consists of optical fibers and is characterized by connecting said management pin center, large and a residential building pin center, large to said base LAN through the bridge from which a communication link is relayed.

[Translation done.]

Appendix B

PATENT ABSTRACTS OF JAPAN

(11)Publication number : 08-097850
(43)Date of publication of application : 12.04.1996

(51)Int.Cl. H04L 12/54
H04L 12/58

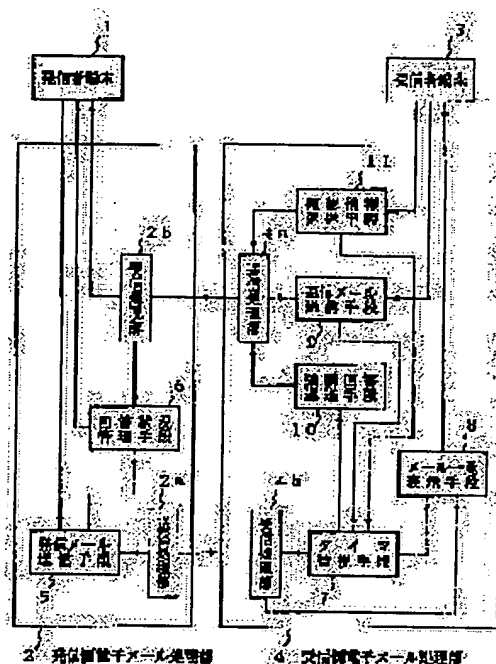
(21)Application number : 06-226487 (71)Applicant : KYUSHU NIPPON DENKI
SOFTWARE KK
(22)Date of filing : 21.09.1994 (72)Inventor : ABE KENICHI

(54) RETURN ELECTRONIC MAIL SYSTEM

(57)Abstract:

PURPOSE: To perform timer monitoring on a reception side for a return electronic mail with a reply limit, to alarm display that the reply limit is approaching in a call termination mail list and to urge a reply.

CONSTITUTION: When the transmission of a mail with the replay limit is instructed from a caller, a originating mail transmission means 4 adds a return flag and the replay limit and transmits a call origination mail. It is received and a timer monitoring means 7 starts monitoring. For a call termination inquiry from a receiver, a mail list display means 8 displays a mark for indicating that the limit is attached in a list and performs alarming by flickering or inversion or the like when the reply limit is approaching. When the receiver prepares the reply, a return mail transmission means 9 automatically generates a destination, performs returning and stops the timer monitoring. A confirmation information return means 11 returns the mail to which a confirmation completion flag is attached when holding and abandonment are performed without preparing the reply and a forced reply return means 10 returns the mail to which a limit expiration flag is attached when no reply is prepared before the limit. A reply condition management means 6 manages reply conditions altogether and performs terminal display at all times.



LEGAL STATUS

[Date of request for examination] 21.09.1994

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number]	2644195
[Date of registration]	02.05.1997
[Number of appeal against examiner's decision of rejection]	
[Date of requesting appeal against examiner's decision of rejection]	
[Date of extinction of right]	

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

CLAIMS

[Claim(s)]

[Claim 1] In the both-way electronic mail method which processes the transmission and reception of an electronic mail which require the reply from an addressee It has a dispatch mail transmitting means to add a both-way flag and reply length information to the origination-side electronic mail processing section, and to transmit to it to the both-way electronic mail which set reply length. A timer-supervision means to register reply length information into a management list, and to perform a timer supervision in it when the both-way electronic mail which has a both-way flag is received in the receiving-side electronic mail processing section, An e-mail list display means to display the alarm which shows that the display and reply length which show reply with a time limit are near on the both-way electronic mail which corresponds with reference to the management list of said timer-supervision means when displaying an arrival-of-the-mail mail list by the demand from an addressee terminal, The both-way electronic mail method characterized by having a reply mail transmitting means to delete the both-way electronic mail which corresponds when reply mail is transmitted from the management list of said timer-supervision means, and to stop a timer supervision.

[Claim 2] The both-way electronic-mail method according to claim 1 carry out having had a compulsive reply return means equips said origination-side electronic-mail processing section with the reply situation management tool which manages the reply situation of the transmitted both-way electronic mail, and notifies an addresser of a total result, creates in it the non-response return mail which attached an expiration flag at said receiving-side electronic-mail processing section to the both-way electronic mail which exceeded reply length by the timer supervision by said timer-supervision means, and send to it at a sending agency as the description.

[Claim 3] The both-way electronic mail method according to claim 2 characterized by having a confirmed information return means to create the confirmation-of-receipt return mail which added the checked flag when it suspended or discarded, without the addressee terminal's having called the reply with-a-time-limit round trip electronic mail to said receiving-side electronic mail processing section, and transmitting reply mail to it, and to send to a sending agency.

[Translation done.]

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DETAILED DESCRIPTION

[Detailed Description of the Invention]

[0001]

[Industrial Application] Especially this invention relates to the both-way electronic mail method which processes the transmission and reception of an electronic mail which require the reply from an addressee about an electronic mail method.

[0002]

[Description of the Prior Art] In the electronic mail system, if an addressee draws up a reply document and executes a reply command when an addressee answers from the former to the arrival-of-the-mail mail which needs a reply, an electronic mail system generates the destination of reply mail automatically from the information of the addresser of arrival-of-the-mail mail, and even if an addressee does not perform destination assignment, the approach of transmitting reply mail is learned. For example, if an addressee calls the arrival-of-the-mail mail concerned to a Provisional-Publication-No. No. 206244 [60 to] official report, it will become the creation procedure of reply mail automatically, and after creation of a reply document is completed, the method automatically returned to a sending agency is proposed.

[0003] Since this method needs to carry out whole sentence creation of the reply document although it does not need to perform destination assignment in case an addressee transmits reply mail, this is improved further and the method with which an addressee enters only a reply in an incoming-message document, and can answer it is proposed by the publication-number No. 67041 [two to] official report, and the publication-number No. 128546 [two to] official report.

[0004]

[Problem(s) to be Solved by the Invention] The conventional both-way electronic mail method mentioned above was convenient, in case an addressee called arrival-of-the-mail mail, created a reply promptly and returned reply mail, but since it cannot create a reply immediately, when suspending temporarily and answering later, the reply length indicated by the arrival-of-the-mail mail text needed to be memorized, and it needed to carry out the length management for addressee itself. For this reason, forgetting and not doing in reply length also had the trouble of not being few.

[0005] The object of this invention performs a timer supervision in a receiving side, and is by making it indicate that it being reply with a time limit and reply length are in the arrival-of-the-mail mail list for every addressee as Hasama to offer the both-way electronic mail method which can cancel the above-mentioned trouble.

[0006]

[Means for Solving the Problem] In the both-way electronic mail method which processes the transmission and reception of an electronic mail as which the both-way electronic mail method of claim 1 requires the reply from an addressee It has a dispatch mail transmitting means to add a both-way flag and reply length information to the origination-side electronic mail processing section, and to transmit to it to the both-way electronic mail which set reply length. A timer-supervision means to register reply length information into a management list, and to perform a timer supervision in it when the both-way electronic mail which has a both-way flag is received in the receiving-side electronic mail processing

section, An e-mail list display means to display the alarm which shows that the display and reply length which show reply with a time limit are near on the both-way electronic mail which corresponds with reference to the management list of said timer-supervision means when displaying an arrival-of-the-mail mail list by the demand from an addressee terminal, It has a reply mail transmitting means to delete the both-way electronic mail which corresponds when reply mail is transmitted from the management list of said timer-supervision means, and to stop a timer supervision, and is constituted.

[0007] The both-way electronic mail method of claim 2 is set to a both-way electronic mail method according to claim 1. It has the reply situation management tool which manages the reply situation of the both-way electronic mail transmitted to said origination-side electronic mail processing section, and notifies an addresser of a total result. It is characterized by having a compulsive reply return means to create the non-response return mail which gave the expiration flag to said receiving-side electronic mail processing section to the both-way electronic mail which exceeded reply length by the timer supervision by said timer-supervision means, and to send to a sending agency.

[0008] In the both-way electronic mail method according to claim 2, the both-way electronic mail method of claim 3 is carrying out having had a confirmed information return means to have created the confirmation-of-receipt return mail which added the checked flag, and to send to a sending agency as the description, when it suspended or discards, without an addressee terminal's calling a reply with-a-time-limit round trip electronic mail to said receiving-side electronic mail processing section, and transmitting reply mail to it.

[0009]

[Example] Next, the example of this invention is explained with reference to a drawing.

[0010] Drawing 1 is the block diagram showing the configuration of one example of this invention.

[0011] The both-way electronic mail method of this example consists of the addresser terminal 1, the origination-side electronic mail processing section 2, an addressee terminal 3, and the receiving-side electronic mail processing section 4, as shown in drawing 1. The origination-side electronic mail processing section 2 is added to transmission and reception of an electronic mail at transmitting processing section 2a which usually processes and reception section 2b which are the need. A dispatch mail transmitting means 5 to add a both-way flag and reply length information in the case of a reply with-a-time-limit round trip electronic mail, to edit dispatch mail into it, and to transmit to it, It has the reply situation management tool 6 which manages the reply situation of the transmitted both-way electronic mail, and notifies a total result. In the receiving-side electronic mail processing section 4 A timer-supervision means 7 to perform the timer supervision of a reply with-a-time-limit round trip electronic mail which received in addition to transmitting processing section 4a and reception section 4b, An e-mail list display means 8 to display the alarm which shows that the display and reply length which show that it is a reply with-a-time-limit round trip electronic mail are near on the arrival-of-the-mail mail list displayed on the addressee terminal 3 based on the information from the timer-supervision means 7, A reply mail transmitting means 9 to stop a timer supervision when reply mail is transmitted, A compulsive reply return means 10 to create the non-response return mail which attached the expiration flag to the both-way electronic mail which reached in reply length, and to transmit to a sending agency, When it suspended or discards, without the addressee terminal's 3 calling a reply with-a-time-limit round trip electronic mail, and transmitting reply mail, a confirmed information return means 11 to create the confirmation-of-receipt return mail which added the checked flag, and to send to a sending agency is included.

[0012] Actuation of each means is explained to a detail about the case where the with-a-time-limit round trip electronic mail with which the addresser specified reply length for the purpose of the questionnaire is sent. First, with the addresser terminal 1, the questionnaire sentence (reply form) containing the advice sentence containing the meaning, reply length, etc. of a questionnaire request, and the content of a question and a reply block is created, reply length is inputted with an addresser name, the theme (title), and an addressee name, the purport which is a with-a-time-limit round trip electronic mail is specified, and a dispatch demand is given to the origination-side electronic mail processing section 2.

[0013] In the origination-side electronic mail processing section 2 which received the dispatch demand

from the addresser terminal 1, if the dispatch mail transmitting means 5 detects assignment of a with-a-time-limit round trip electronic mail, the both-way electronic mail wording of a telegram of DS as shown in drawing 2 will be generated, and it will transmit to the receiving-side electronic mail processing section 4 to which each destination addressee belongs through transmitting processing section 2a. As shown in drawing 2, in addition to the addresser 21 who is fundamental mail administration information, an addressee 22, and the theme 23, the both-way flag 24 and the reply length 25 are contained in the both-way electronic mail wording of a telegram transmitted as additional mail administration information. The e-mail text which consists of the advice sentence 26 classified by identification information after such mail administration information and the questionnaire sentence 27 is transmitted.

[0014] It is prepared in order to carry out package management of the reply situations (response rate etc.) of a questionnaire, the information on the with-a-time-limit round trip electronic mail transmitted from the dispatch mail transmitting means 5 (the theme, addresser name, etc.) is registered, whenever the reply mail from an addressee or processing information is received, a reply situation is recorded, and a reply situation management tool 6 is edited into the appointed format at any time by the demand from an addresser, and is displayed on an addresser terminal 1.

[0015] In the receiving-side electronic mail processing section 4, while storing the received electronic mail in the mail box of reception section 4b, if a both-way flag is detected, the timer-supervision means 7 will register the reply length in wording of a telegram into an internal management list, and will start a timer supervision. When it passes over reply length, the timer-supervision means 7 sends out a control signal, and starts the compulsive reply return means 10, while it sets up the flag which shows that to a management list, when it becomes the conditions (that day or previous day) beforehand defined to reply length.

[0016] If an addressee performs call processing of an electronic mail from the addressee terminal 3, the arrival-of-the-mail mail list addressed to the addressee will be first displayed on the screen of the addressee terminal 3 by the e-mail list display means 8. The mark which shows that the e-mail list display means 8 is a both-way electronic mail at the head of the title line to which a chart corresponds to the electronic mail registered into the management list with reference to the management list of [within the timer-supervision means 7] at this time displays, and when the flag shown [that reply length is near and] is set up, an alarm display carries out with approaches, such as inverse video or indicating by blinking, in the corresponding title line.

[0017] If an addressee specifies the title of a both-way electronic mail from a chart, while reading appearance of the corresponding both-way electronic mail will be carried out by reception section 4b from a mail box and the e-mail text (advice sentence + questionnaire sentence) will be displayed on the screen of the addressee terminal 3, the message to which a reply is urged is displayed and it becomes reply mode. If a reply is entered in the reply block of the questionnaire sentence as which the addressee was displayed and a reply command is executed, the addresser of the both-way electronic mail with which the reply mail transmitting means 9 corresponds, and an addressee will be replaced, mail-administration information (destination information) will be generated, and it will transmit towards the origination-side electronic-mail processing section 2 of the dispatch origin by the reply mail which makes a questionnaire sentence [finishing / entry] the e-mail text through transmitting processing section 4a. The both-way electronic mail which corresponds from the management list of timer-supervision means 7 is deleted simultaneously, and a timer supervision is stopped.

[0018] Drawing 3 is the structure explanatory view of the reply mail wording of a telegram transmitted by the reply mail transmitting means 9. Reply mail wording of a telegram consists of fundamental mail administration information shown with an addresser 31, an addressee 32, and the theme 33, a reply flag 34 which shows that it is reply mail to a both-way electronic mail, and the e-mail text 35 which consists of an entered questionnaire sentence.

[0019] The both-way electronic mail which received in the receiving-side electronic-mail processing section 4 will be deleted from a management list, if it registers with the management list of timer-supervision means 7, a timer supervision is performed and a reply is returned, as mentioned above, but if

it will read by reply length for an addressee absence etc., and there is nothing in a demand, and it becomes with expiration while it had registered with the management list, a control signal outputs and a timer-supervision means 7 will start a compulsive reply return means 10. As the both-way electronic mail which corresponds from a mail box is read and it is shown in drawing 4, the compulsive reply return means 10 generates automatically the wording of a telegram which added the expiration flag 41, and transmits it to the origination-side electronic mail processing section 2 as non-response return mail. [0020] In addition, when hold processing or abolition processing is performed without performing reply creation after the addressee read the both-way electronic mail from the addressee terminal 3, the confirmation-of-receipt return mail whose confirmed information return means 11 added the checked flag is created, and it transmits to the origination-side electronic mail processing section 2 of a sending agency. In abolition processing, while the corresponding both-way electronic mail is deleted from a mail box, it is deleted also from the management list of timer-supervision means 7, and a timer supervision is stopped, but in hold processing, the corresponding both-way electronic mail is not deleted, but a timer supervision is also continued.

[0021] Reception section 2b of the origination-side electronic mail processing section 2 passes mail administration information to the reply situation management tool 6 with receiving time information while storing the e-mail text in a mail box, when the reply mail which has a reply flag is received. The reply situation management tool 6 registers the reply flag and receiving time which express reply ending to the column of the addressee (addresser of return mail) who corresponds from mail administration information. When the confirmation-of-receipt return mail which has the non-response return mail or the checked flag which has an expiration flag is received, the reply situation management tool 6 is passed without storing in a mail box, and the flag and receiving time which identify each are registered. Thereby, an addresser becomes possible [checking a reply situation at the event of arbitration]. That is, if a flag does not have having not answered although the addressee looked at the content if a checked flag has that it will already be reply ending if there is a reply flag at the event of arbitration as for anything, it turns out that the addressee is not looking at the content. It turns out that it considered as abolition processing without the volition of a reply when it was only a checked flag that it was not able to answer by a certain reason although there was volition of a reply when it was after reply length and the checked flag and the expiration flag had expired, without an addressee looking at the content in an absence etc. when it was only an expiration flag.

[0022] When an addresser is arbitration, in order to manage a reply situation in the above-mentioned example, although the origination-side electronic mail processing section 2 is equipped with the compulsive reply return means 10 and the confirmed information return means 11 in the receiving-side electronic mail processing section 4, the reply situation management tool 6 When you do not need management of a reply situation, it can cancel the situation which forgets although the both-way electronic mail with which reply length drew near when an addressee looked at an arrival-of-the-mail mail list can be recognized easily and there is volition of a reply even if there are these [no], and serves as omission in a reply.

[0023] Moreover, when performing reply situation management, although there may not be the confirmed information return means 11, by preparing this, an addresser can know that the addressee checked the content and the fine management of it is attained. In addition, it is also possible to distinguish hold processing and abolition processing with the confirmed information return means 11, to set up a separate flag, and to perform still finer management.

[0024]

[Effect of the Invention] As explained above, in order for the both-way electronic-mail method of this invention to transmit reply length information from an origination side as mail-administration information on a both-way electronic mail, to perform a timer supervision to this reply length information by the receiving side and to perform an alarm display by approaches, such as a blinking display, to the both-way electronic mail with which length drew near to an arrival-of-the-mail mail list, the effectiveness carry out the length management depending on storage of an addressee as it is unnecessary, and promote a reply is. Furthermore, when it expires, it also becomes possible to perform

the automatic reply of mail containing an expiration flag, and it becomes possible [ensuring reply situation management to an addresser side finely].

[Translation done.]

* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DESCRIPTION OF DRAWINGS

[Brief Description of the Drawings]

[Drawing 1] It is the block diagram showing the configuration of one example of this invention.

[Drawing 2] It is the explanatory view of the wording-of-a-telegram DS of the both-way electronic mail which specified the reply term.

[Drawing 3] It is the explanatory view of the wording-of-a-telegram DS of the reply mail from an addressee.

[Drawing 4] It is the explanatory view of the wording-of-a-telegram DS of the non-response return mail at the time of expiring.

[Description of Notations]

- 1 Addresser Terminal
- 2 Origination-Side Electronic Mail Processing Section
 - 2a, 4a Transmitting processing section
 - 2b, 4b Reception section
- 3 Addressee Terminal
- 4 Receiving-Side Electronic Mail Processing Section
- 5 Dispatch Mail Transmitting Means
- 6 Reply Situation Management Tool
- 7 Timer-Supervision Means
- 8 E-mail List Display Means
- 9 Reply Mail Transmitting Means
- 10 Compulsive Reply Return Means
- 11 Confirmed Information Return Means
- 21 31 Addresser
- 22 32 Addressee
- 23 33 Theme
- 24 Both-way Flag
- 25 Reply Term
- 26 Notice Sentence
- 27 Questionnaire Sentence
- 34 Reply Flag
- 35 E-mail Text
- 41 Expiration Flag

[Translation done.]

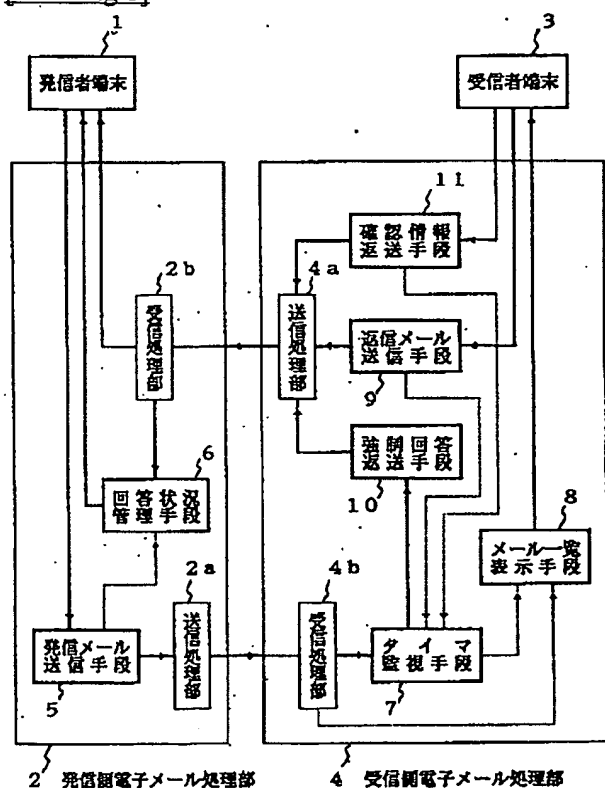
* NOTICES *

JPO and NCIPi are not responsible for any damages caused by the use of this translation.

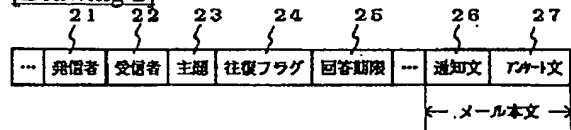
1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DRAWINGS

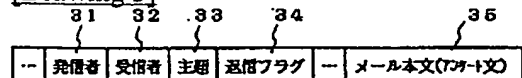
[Drawing 1]



[Drawing 2]



[Drawing 3]



[Drawing 4]

41

...	発信者	受信者	主題	期限切れフラグ	...
-----	-----	-----	----	---------	-----

[Translation done.]

Appendix C

Appendix D

Get Y! Toolbar | Make Y! your home page

Yahoo! Shopping - Cell Phones, MP3 Players, TVs, Clothing

YAHOO!

Search

Web Images Video Audio Directory Local News Shopping

Web Search

Yahoo! Answers: Ask a question | Answer questions

Page Options

My Yahoo!

My Mail

Autos

Finance

Games

GeoCities

Groups

HotJobs

Maps

Movies

Music

Personals

Photos

Real Estate

Shopping

Sports

Tech

Travel

TV

Yellow Pages

Video

More Yahoo! Services

Small Business

Web Hosting
Domain Names
Sell Online
Search Listings

Featured Services

360°

Download IE7

Health

Kids

Mobile

Verizon Yahoo! DSL

Y! International

Featured

Entertainment

Sports

Life

Nov 1, 2006

**Young and fearless**Who will be the next business mogul? It could be one of today's top under-25 entrepreneurs. » [Read article](#)Ten tips for a new small business
Nine ways to leverage the Internet

Top American entrepreneurs under 25



Rock Hall of Fame names '07 nominees



See skydivers play with a tennis ball at 120 mph



How much politicians spend on negative ads

» [More: Featured](#) | [Y! Time Capsule](#)

In the News

World

Local

Video

As of 9:16 a.m. EST

- Over 40 Shiites said kidnapped in Iraq
- Iran announces plan to conduct military maneuvers
- Israeli strikes kill six Palestinians, wound 45 | [New fighting](#)
- Calif. man faces two arson counts | [Fifth firefighter dies](#)
- Mandela leads tributes to Botha | [Apartheid-era leader](#)
- 10 shot at San Francisco Halloween party
- Stoops to coach 100th football game at Oklahoma
- NFL · NBA · NHL · MLB · Tennis · Soccer

» [More: News](#) | [Popular](#) | [Business](#)

Markets: Dow: -0.0% Nasdaq: +0.1%

Marketplace



Free credit score in seconds

The average U.S. credit score is 675 - The cost to see yours: \$0.

Dell™ Home: \$799 notebook with 15.4" display or \$599 desktop. [Details here.](#)

\$150K mortgage for \$425/mo. Secure financing for your future. Increase cash flow.

Don't quit your job. Take classes online and earn your degree in 1 year.

Check your mail status: [Sign In](#) Free mail: [Sign Up](#)

Mail

Messenger

Radio

Weather
54°F

Local

Horoscopes



Start banking online today »

Bank of America

MEMBER FDIC

Bank Online - Free - Close Ad - Ad Feedback

Inside Yahoo! Autos

Looking for a New Car?

SUVs
HybridsTrucks
New CarsSedans
Used Cars

Search Models:

Go

Pulse - What Yahoos Are Into

Featured Questions & Answers

How often do I have to replace the compost in my container plants?
Asked by valadmir IAnyone know how to make a space ship out of cardboard boxes for a 6 year old?
Asked by missi7374Exactly how healthy are tomatoes?
Asked by Le Beau B» [More Q&A](#)What's-New Tour | [Send Feedback on Yahoo!'s New Home Page](#)[Advertise With Us](#) | [Search Marketing](#) | [Suggest a Site](#) | [Company Info](#) | [Privacy Policy](#) | [Terms of Service](#) | [Jobs](#) | [Help](#)Copyright © 2006 Yahoo! Inc. All rights reserved. [Copyright/IP Policy](#) | [Yahoo! Telemundo](#)

Appendix E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Naresh Vig
Group Art Unit: 3629

Application of	:	Gerald I. KESTENBAUM
Serial No.	:	09/587,525
Filing Date	:	June 5, 2000
Entitled	:	APPARATUS AND METHOD FOR PROVIDING BUILDING MANAGEMENT INFORMATION

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Silvia Salvadori

Name of person signing the certification

Silvia Salvadori

Signature

May 28, 2004

Date

AMENDMENT

Sir:

In response to the Office Action dated February 2, 2004, please amend the above-identified patent application as follows:

In the Claims

Claims 1-97. (Cancelled).

Claim 98. (Currently Amended) A collaborative real estate management system with features for exchanging information among tenants, staff and a building manager, and task management relating to the operation of a building, said exchange of information being limited to said tenants, staff, and building manager of said building, comprising:

data input and output devices accessible to the tenants, staff, and the building manager;

a computer system connecting said data input and output devices;

said computer system including one or more processors networked together and programmed to process data relating to management of said building;

said processor being further programmed to receive a communication relating to management of said building from at least one of said tenants, staff and building manager, said communication including data indicating a target recipient among another of said tenants, staff and building manager;

said computer system being further programmed to output said communication to said target recipient,

wherein said computer system enables interaction by said tenants with said staff and building manager through said system.

Claim 99. (Previously Presented) The system of claim 98 wherein said computer system includes a database for record keeping or task tracking.

Claim 100. (Previously Presented) The system of claim 99 wherein said database includes a library of documents relating to the building which documents are accessible for viewing, storing, and editing by said tenants, staff, and building manager.

Claim 101. (Currently Amended) The system of claim ~~99~~ 98 wherein said communication comprises information or an instruction from one of said tenants to a member of said staff located at a front desk or front gate of said building.

Claim 102. (Currently Amended) The system of claim ~~99~~ 98 wherein said communication comprises information regarding a service request among said tenants, staff, and building manager.

Claim 103. (Currently Amended) The system of claim ~~99~~ 98 wherein said communication comprises package delivery and pickup information from said staff to said tenants or building manager.

Claim 104. (Currently Amended) The system of claim ~~99~~ 98 wherein said communication comprises one or more survey questions from a member of said staff or

said building manager to one of said tenants, or a response to said survey questions from one of said tenants to a member of said staff or to said building manager.

Claim 105. (Currently Amended) The system of claim 99 98 wherein said communication comprises information posted by one of said tenants for viewing by other tenants of the building.

Claim 106. (Previously Presented) The system of claim 99 wherein said database includes addresses and contact information for said tenants, staff, and building manager.

Claim 107. (Previously Presented) The system of claim 99 wherein said database includes information for task tracking.

Claim 108. (Previously Presented) The system of claim 99 wherein said database includes information about scheduled maintenance programs.

REMARKS

Reconsideration of the above-identified patent application, as amended herein, is respectfully requested.

Upon entry of this Amendment, claims 98-108 will be pending. Of these, only claim 98 is independent.

In the Office Action dated February 2, 2004, the Examiner rejected claims 98-108 under 35 U.S.C. 102(e) as being unpatentable over "BJM Central -- The Internet-Based Enterprise Property Management Solution," hereinafter "BJM." The Examiner noted certain features of the claimed invention which are allegedly disclosed in the BJM prior art reference.

The undersigned and Mr. Gerald Kestenbaum, the inventor herein, wish to thank Examiners Narersh Vig and John Weiss for the courtesies extended to them at a personal interview conducted on May 5, 2004. At that interview, the operation of a commercial embodiment of the claimed invention, known as BuildingLink was demonstrated. In addition, the BJM prior art reference was extensively discussed.

In particular, it was pointed out that the BJM prior art reference does not disclose a collaborative communications and task management system which is accessible by residents, managers, and the staff of a building. Rather, BJM discloses a financial accounting system which is accessible by a building manager via the Internet so that he/she may work from his/her home, office or elsewhere. This financial accounting system is accessible only by a building manager in order to keep track of those tasks of

concern to a building manager, such as keeping track of rent payments. There is no disclosure therein of a collaborative communications system for the exchange of information and task management which is accessible by the residents, the staff, and a building manager of a building.

With regard to the statement appearing on page 7 of BJM referring to "integration of office automation applications, including e-mail, fax, and word processing," it was pointed out that this statement does not disclose a feature of the BJM system. Rather, page 6 of BJM states that this is one of the "issues of particular importance" to a building manager working from his/her home office. In other words, a building manager working from his/her home office would like to have access to e-mail, fax, and word processing while working at his/her home computer. However, there is absolutely no disclosure in BJM of any integration of e-mail, fax, or word processing into the financial accounting system of the BJM disclosure. Thus, when one looks into the body of the BJM disclosure, there are no screen shots showing e-mail, fax, or word processing built into the software package of the BJM system. Therefore, this "integration" feature is not taught as part of BJM and, furthermore, the BJM reference is not enabling for these functions being integrated into the BJM software package.

To emphasize the differences between the BJM software package and the presently claimed invention, three letters were shown at the interview and copies thereof are attached as Exhibits A, B, and C to the presently submitted Declaration of Gerald I. Kestenbaum. These letters are from building managers who have purchased and used

BuildingLink. The authors of these letters state therein that they are familiar with the BJM system. All of the authors state that the BuildingLink system performs a different set of functions which are not available from the BJM system. Furthermore, they all state that they have purchased the BuildingLink system even though they have already own either BJM or a system with similar functionality.

In addition, the Declaration of Mr. Kestenbaum also attests to the very high level of commercial success achieved by BuildingLink. Specifically, Mr. Kestenbaum attests that the BuildingLink has been installed in over 225 buildings nationwide including over 170 buildings in the New York City area since its introduction into the marketplace in July 2000.

In order to further distinguish applicant's claimed invention over BJM as well as an ordinary e-mail messaging system, claim 98 has been amended to recite that the exchange of information is limited to tenants, staff, and a building manager of a building. During the interview, the Examiners agreed that, subject to further searching, this Amendment would distinguish claim 98 over the prior art of record as well as an ordinary e-mail messaging software system.

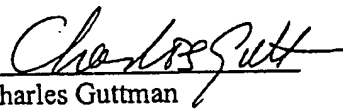
Finally, at the interview, it was pointed out that some of the dependent claims distinguish over the prior art of record as well as an ordinary e-mail system irrespective of the patentability of claim 98. Specifically, claim 100 specifies that the database includes a library of documents relating to the building which documents are accessible for viewing, storing, and editing by the tenants, staff and building manager. Claim 101

specifies that the communication among the tenants, staff, and building manager comprises information or an instruction to a member of the staff located at a front desk or front gate of the building. Similarly, claims 102-104 specify that the communication involves certain task management specific to building management. Accordingly, it is believed that the dependent claims are patentable over the prior art of record as well as an ordinary e-mail system irrespective of the patentability of claim 98.

In view of the foregoing, it is believed that the application is now in condition for allowance and a favorable action on the merits is respectfully requested. It is also respectfully requested that, in order to expedite prosecution of this application, the undersigned be contacted at the telephone number indicated below before issuance of another Office Action if the Examiner intends to apply a new prior art reference against the current claims.

Respectfully submitted,

PROSKAUER ROSE LLP

By 
Charles Guttman
Reg. No. 29,161

Date: May 28, 2009

PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036
(212) 969-3000

Enclosure: Declaration of Gerald I. Kestenbaum w/Exhibits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Naresh Vig
Group Art Unit: 3629

Application of	:	Gerald I. KESTENBAUM
Serial No.	:	09/587,525
Filing Date	:	June 5, 2000
Entitled	:	APPARATUS AND METHOD FOR PROVIDING BUILDING MANAGEMENT INFORMATION

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GERALD I. KESTENBAUM UNDER 37 C.F.R. § 1.132

Sir:

I, Gerald I. Kestenbaum, hereby declare as follows:

1. I am the inventor of the above-identified patent application. I am familiar with the prosecution of this patent application including the Office Action dated February 2, 2004, and the prior art publication referred to as BJM relied upon by the Examiner in this latest Office Action.

2. I am familiar with the BJ Murray software package which is described in the BJM publication. The BJ Murray software package is strictly a financial accounting system. It is not a collaborative communication system for exchanging information among tenants, staff, and a building management, or for managing tasks in a building as

is BuildingLink, the commercial embodiment of my invention which I demonstrated at the interview on May 5, 2004.

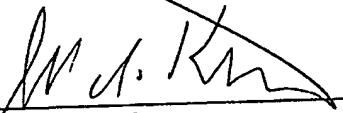
3. To emphasize this difference, attached are copies of three letters from building managers who are familiar with the BJ Murray software system and the BuildingLink system. All three of these letters confirm that the BJ Murray software system is a financial accounting system while BuildingLink is a task collaboration and integrated communication system for tenants, staff, and a building manager of a building. Therefore, these building managers purchased and installed the BuildingLink system even though they already owned or utilized the BJM software package or a similar software package.

4. Furthermore, BuildingLink has achieved a very high level of commercial success since its introduction into the marketplace in July 2000. Thus far, it has been installed in over 225 buildings nationwide including over 170 residential buildings in the New York City area. Three of the largest residential luxury developers in the New York City area have already installed BuildingLink in all of their current properties and have committed to its installation in all new construction under progress. They have also signed multi-year contracts for BuildingLink's continued use.

5. BuildingLink has also earned a reputation in the industry for innovation and quality. It has recently been featured in the New York Times, and has frequently been cited in the Real Estate trade press. In addition, many purchasers of BuildingLink

highlight it in their marketing literature as a valuable service available to prospective tenants.

6. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Gerald I. Kestenbaum

Date: 5-24-04



Rose Associates, Inc.

200 Madison Avenue
New York, NY 10016-3998
Direct Line: (212) 210-6770
Direct Fax: (212) 210-6687
E-Mail: jm@rosenyc.com

Jerry Morris
Managing Director

May 3, 2004

To Whom It May Concern:

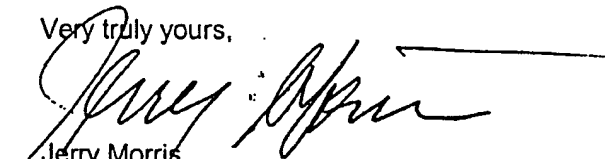
Rose Associates, Inc. is a developer and property management company. We currently manage approximately sixty five properties in the New York metropolitan area, the majority of which are for third parties.

We understand that Building Link.com is applying for a patent. A number of our properties subscribe to the Building Link system which is an interactive system utilized by tenants, building staff and management to communicate with each other and works collaboratively. It allows tenants to file work requests at any time and allows building staff to prioritize and efficiently respond to the tenants request. At the same time, it allows management to monitor the responsiveness of the building staff and track its efforts. In addition management can post notices to all or selected tenants.

In addition to Building Link, we utilize proprietary software to generate bills to clients, process accounts payable, maintain accounting records and prepare financial statements. While it is a proprietary system, it serves the same purpose as the BJ Murray system, as we know it. Our system allows access to our database from all of our site offices and it is offered to condominium and cooperative board members for their buildings. The systems purpose and functions are very different than the Building Link system. One is principally for accounting and the other is for the proper day to day management of the building.

We have examined other systems and have considered programming our own proprietary system but decided that the innovations provided by the Building Link system gave us everything we needed at a lower cost per unit.

Very truly yours,



Jerry Morris
Managing Director

Ex. A



REAL ESTATE

Charles H. Greenthal Management

Four Park Avenue • Third Floor • New York, NY 10016-5339

Telephone: 1(212) 340-9300

FAX: 1(212) 447-1667

May 3, 2004

To Whom It May Concern:

Charles H. Greenthal Management Corp. manages in excess of 100 buildings in the New York area, and we utilize a property management software program. At the same time we subscribe on behalf of some of our buildings to the BuildingLink system because they perform different functions and provide different functions and capabilities – specifically one is BJ Murray a financial accounting system (Murray) and the other (BuildingLink) allows task collaboration and integrated communication among tenants, front desk staff, maintenance staff and management. Even though our accounting package allows for remote access to the database, it aims and functions are very different than the BuildingLink System.

Please feel free to give me a call at (212) 340-9637 or email me at mastrof@greenthal.com if you have further questions in reference to the above mentioned.

Thank you.

Very truly yours,

Martin Astrof

Chief Financial Officer

CHARLES H. GREENTHAL MANAGEMENT CORP.

Ex. B

MEMBERS OF THE WEST GROUP OF COMPANIES

The Charles H. Greenthal Group Inc. • Charles H. Greenthal Management Corp. • Charles H. Greenthal Commercial Corp.

Charles H. Greenthal Residential Rentals • Greensboro N.C., Associates

West Properties, Inc • Westampa Co. • Lilton, LLC, FL

www.greenthal.com



290 PARK AVENUE SOUTH • NEW YORK, NEW YORK 10010 • TEL (212) 375-1155 • FAX (212) 375-1155

To Whom It May Concern:

Rockrose Development Corp. is a family owned and operated real estate company with over three decades of experience. Founded by the three Elghanayan brothers, it began with renovation or brownstones on West 16th Street in Manhattan, and gradually expanded to new apartments construction, large scale rehabilitation, and major office building development. Currently, in New York City we own and manage roughly 5,000 rental units in close to twenty residential buildings, as well as four commercial properties.

Effectively managing our business requires that we have several types of "tools" at our disposal. We use a property management software package, similar to the BJ Murray system, called Timberline (<http://www.timberline.com/>) that provides an integrated solution to the back office management of accounting, estimating, projects, properties, reporting, and services. It keeps our general ledger, accounts payable, accounts receivable, etc. and allows us to generate purchase orders, vendor forms and reports necessary to efficiently run our business. In addition to Timberline, we also utilize a separate customer service software package called BuildingLink at most of our residential properties to control the flow of information within the individual buildings. Unlike our other systems, BuildingLink is focused on organizing, displaying and communicating information among tenants, front desk staff, maintenance staff and management. Specifically, we use BuildingLink to catalog all items that cross the front desk (either on their way into or out of the building), to register complaints/maintenance requests with the building manager and to allow each tenant to inform the front desk staff of specific instructions related to his apartment (e.g., permission to enter, visitors, etc.). The very different functions that Timberline and BuildingLink perform require us to maintain working relationships with both. In addition, the information and services that each embody are presented to independent populations of users.

BuildingLink is a unique product that has allowed Rockrose to more efficiently manage our relationships with our tenants and building staff. During the time that I have implemented their product at our buildings, I have seen the productivity of our employees and the organization of our data increase tremendously. Our tenants are very pleased with the system and the way that Rockrose has chosen to communicate with them. I have not found another product in the marketplace that could offer the same (or similar) features and I see BuildingLink's software offering as an innovative solution to an age-old problem suffered by most property management companies – how to communicate with those that need information.

Sincerely,

Illya Shell
Manager of Support Services
Rockrose Development Corp.

Ex. C.

Interview Summary	Application No.	Applicant(s)	
	09/587,525	KESTENBAUM, GERALD ISAAC	
	Examiner	Art Unit	
	Naresh Vig	3629	

All participants (applicant, applicant's representative, PTO personnel):

(1) Naresh Vig.

(3) Charles Guttman (29161).

(2) John Weiss.

(4) Gerald I. Kestenbaum.

Date of Interview: 05 May 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Mr. Kestenbaum gave a demonstration of the application.

Claim(s) discussed: 98.

Identification of prior art discussed: _____.

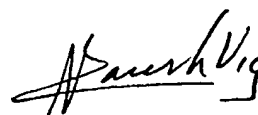
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Claim 98 will be amended to limited exchange of information between tenant, staff and building manager which will read over the BJM prior art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An Interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Appendix F

Appendix G